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REPORT

OF

MAJOR GENERAL MEADE'S

Military Operations and Administration of Civil Affairs

IN THE

Third Military District and Dept of the South,

For the Year 1868, with Accompanying Documents.

ATLANTA, G.A.:
ASSISTANT ADJUTANT GENERAL'S OFFICE,
DEPARTMENT OF THE SOUTH.

1868.

U. S. Army, Dept. of the South.

REPORT

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REPORT.

HEADQUARTERS DEPARTMENT OF THE SOUTH,

ATLANTA, GEORGIA, October 31, 1868.

Brevet Major General John A. Rawlins, Chief of Staff, Washington, D. C.

GENERAL:—I herewith transmit, for the information of the General-in-Chief, a brief abstract of the operations under my command, whilst in charge of the late Third Military District, and subsequently in command of the Department of the South.

War Department, General Orders, No. 104, of date December 28, 1867, assigned me to the command of the Third Military District, and on the 6th of January, 1868, I assumed the command with the Headquarters in this city.

The Third Military District at that time, consisted of the States of Georgia, Alabama and Florida. The condition of affairs was simply as follows: In the State of Georgia, a Convention elected under the Reconstruction Laws, was in session in Atlanta, but hampered and embarrassed for want of funds.

In Alabama, a Convention had met, framed a Constitution, nominated a ticket for State officers, and adjourned.

In Florida an election had been held for members of a Convention, but the body did not meet, under the orders of my predecessor, till the 20th of January.

It is impossible in a report of this kind to give all the various questions and their details, which arose and were adjusted by my action; but as by the provisions of the Reconstruction Laws, from whence my authority emanated, the power of disapproving my acts was vested in the General-in-Chief of the Army, I from the first, before taking action in any important matter, laid before that officer my views and proposed course. I have therefore deemed it best to append to this report, as part of it, a full file of the telegrams between the Headquarters of the Army and myself; and it is with great pride and satisfaction I refer to the same, as they will show that it was rarely that the General-in-Chief was called on to overrule my judgment.

I shall confine myself in this report to the briefest allusion to the special points to which I wish to invite particular attention.

One of the first questions that presented itself to my action, was the financial difficulty in the Georgia Convention. I found my predecessor had endorsed the requisition of the Secretary of the Convention, and directed its payment out of the Treasury, and that the Treasurer

had refused payment, on the ground that money could only be paid out of the State Treasury on warrants drawn by the Governor. Finding this to be the state of the case, I appealed to His Excellency, Charles J. Jenkins, and requested, in view of the necessities of the Convention, of the law of Congress authorizing this Convention, and the ordinances levying a tax for the payment of its expenses, that he would draw the necessary warrant for the sum required for their immediate and pressing expenses. The Governor in reply declined to draw any warrant except under appropriation by Law, and informed me very distinctly, that he did not acknowledge, and would not be bound by the Reconstruction Acts of Congress, which, in his judgment were unconstitutional, null and void. On receipt of this communication there was no alternative but the removal of Governor Jenkins, which was accordingly done, and Brevet Brigadier General Thomas H. Ruger assigned to duty in his place. Subsequently I was compelled to remove the State Treasurer and Comptroller, assigning to these positions Captains Rockwell and Wheaton of the Army. I considered it judicious policy to avail myself of the authority granted in the Reconstruction Laws, to detail officers of the army to perform these duties, as in this way I gave evidence to the people of the State and of the country, that my only object in making the removals, was the execution of the Law, and that the same was free from any personal or political bias. It affords me gratification to say that I believe the effect of these changes was most beneficial, and that the administration of General Ruger and his associates, who continued in office 'till the State was admitted to representation, was in every way creditable to them and satisfactory to the people of all parties in the State.

Soon after my arrival at my post I received numerous communications from respectable citizens, complaining of the effect of the passage, by the Conventions of Alabama and Georgia, of acts known as Relief Laws, which were intended as stay laws, to afford relief to debtors from the immediate pressure of their creditors. It was urged that the acts of these Conventions, not being binding nor having the effect of law till ratified by a vote of the people, and it requiring time before this vote could be taken, that in view of the probable acceptance by the people of these acts, creditors were hurrying their action and pressing their debtors, thus making these measures really acts of oppression, and I was called on to interpose my authority, and give to these acts the force of law until the people could vote on them. Although personally opposed in principle to any laws interfering with the rights of creditors, there was nevertheless so much force in the reasoning advanced, and the demand from all classes was so imperative, that after consultation and approval of the General-in-

Chief, orders were issued making said acts laws, until reversed or confirmed by the vote of the people.

Immediately on taking command I was applied to from all parts of the several States comprising the District, for the removal of incumbents in office and the substitution therein of individuals nominated. These applications were based on various grounds, some purely personal or political, others on the necessity of a change in order to carry reconstruction, and sometimes on the ground of neglect of duty, or malfeasance in office. As it was impossible for me, in my ignorance of men, to form any judgment on the complaints preferred, or on the fitness and capacity of those seeking office, I determined to abstain from making any changes except where there was proved neglect of duty, malfeasance in office, open refusal to obey the Reconstruction Laws, or attempts to obstruct their execution. In all cases I required written charges and evidence to be produced, and when these charges affected, as they did in many instances, whole municipal bodies, I directed investigation by boards of officers, and in all cases gave those accused, a full hearing and every opportunity to defend themselves. A firm adherence to this rule, and the reports of several boards non-concurring in the charges presented, relieved me, after a while, from the great pressure brought to bear and during the whole course of my administration there was not a removal made that the archives of the District will not show was made for some cause alleged, and after investigation. There were necessarily many appointments made to fill vacancies caused by deaths, resignations and removals of incumbents from the Counties or States they were living in. Another difficulty which operated to compel me to adopt the course above reported, was the fact that by the Reconstruction laws no person could be appointed to office without taking the oath prescribed, which was of such a character that it limited to a very small number the persons able to hold office. So great was this difficulty, that when I saw a bill in Congress requiring the vacation of all offices by those not able to take the test oath, I felt it my duty to telegraph the General-in-Chief that if this became a law, it would be impossible to fill the offices, as there were not enough such persons in either of the States to fill half the civil offices in these States, and I urgently recommended authority be granted me to appoint to office registered voters. The bill did not become a law, and no change was made in my policy.

As previously stated the Convention in Alabama, had under my predecessor, assembled and framed a Constitution which was to be submitted to the people. The Convention had fixed the 4th day of February on which to hold the election, and my predecessor directed in orders, the election to continue for two days, with as many precincts

as the managers might deem advisable. On representation to me that two days was insufficient to enable all the votes to be received, an extension by my authority was made of the time to four days, but the precincts limited in each county to three. The election was held at the time specified, but owing to a violent storm occurring the first two days, the time was further extended one day, making five in all. A special report having been made on the subject of this election, I deem it only necessary to say here, that from all the evidence I could procure, (and I caused the most thorough investigation to be made), the Constitution was fairly rejected by the people, under the law requiring a majority of the registered voters to cast their ballots for or against, and that this rejection was based on the merits of the Constitution itself, which was obnoxious to a large body of the friends of reconstruction, proved so by the fact, that out of nineteen thousand (19,000) white voters for the Convention, there were only five thousand (5,000) for the Constitution, and partially from the fact that the Constitutional Convention had made nominations to all the State officers, which ticket was not acceptable in all respects to the party favoring reconstruction. It will be seen by an inspection of the telegrams accompanying this report, that I had advised against an election for State officers at the same time the Constitution was being voted on, believing that the same was not only not required by the Reconstruction Laws, but that there were objections arising out of personal and partisan feelings that would or might affect the vote on the Constitution. After the rejection of the Constitution, I was in favor of its being revised by re-assembling the Convention, and so officially reported. Congress, however, admitted the State, and the Legislature convened under the Constitution, has in some measure, modified its most obnoxious features. Upon the subject of this election in Alabama, I beg leave to refer to my special report and to the telegraphic correspondence hereto annexed.

The election for members of the Constitutional Convention in Florida having been held under the direction of my predecessor, he had advised the assembling of the same on the 20th of January, 1868. Prior to the assembling of the Convention, I had referred to me by the President of the United States, a memorial, sent to him by the Provisional Governor of the State, and signed very unanimously by prominent citizens, in which the gravest charges were brought against the managers of the election, involving frauds of all kinds, and even charging the registration of the State, and the districting of the same as having been fraudulently executed, the memorialists urging me to interpose my authority, suspend the meeting of the Convention, and proceed to investigate the charges which they pledged themselves to

prove. Upon examination of the law I could find no remedy short of Congressional action, even should their grave charges be proved. I therefore made no change in the period fixed for the assembling of the Convention, but ordered a Board of Officers to investigate the charges, notifying the memorialists of my action, and pledging myself to place before Congress all the testimony they might put before the Board. It is hardly necessary to say, that when it was found the Convention was allowed to meet and do its work, the Board had little to do; and after remaining in session for some weeks, and calling without avail on the signers of the memorial for their evidence, the Board closed its session without having any charge proved of all those made. The Convention met, but soon after meeting, there arose dissensions and bickerings, resulting in the secession of a large part of the Convention, and the claim of both parties to be regarded as the legitimate Convention. For some time I allowed these dissensions to proceed, not seeing clearly how I could act until I had found that the Convention which had originally assembled, and which I had recognized as the legitimate body, had, by the secession of its members, been reduced below a legal quorum. When this arrived, I required this body either to bring in sufficient members to give them a legal quorum, or, failing in that, to accept certain terms of compromise, which, after reflection, I deemed just to both parties; or if this failed, I intimated I should assume the authority and proceed, in view of the impossibility of harmonizing the difficulties, to adjourn both Conventions, and refer the points in dispute to Congress for such action as it might deem proper to take. The compromise proposition having been accepted, the two parts of the Convention assembled, re-organized and proceeded to frame a Constitution, which was subsequently ratified by the people and adopted by Congress.

The Convention in Georgia, after being in session several months, finally, in March, adopted a Constitution, which, together with a State ticket, was submitted to the people in April, and ratified by a very handsome majority of the registered vote; all parties taking part in the election. This Constitution with some modifications was adopted by Congress; and the Legislature, which convened in July, making these modifications and otherwise complying with the requirements of the Reconstruction Laws, the State, together with Alabama and Florida, were, by Act of Congress, formally admitted to representation.

There is one point in regard to the admission of the State of Georgia, to which I feel called upon to make special allusion. When the Legislature was convened by the Provisional Governor and Governor elect, the question arose whether as Military Commander, I was called on to enquire into the eligibility of the members, either under the

United States laws, or the Constitution of Georgia. The Convention of Georgia had in its ordinance calling an election, directed that all returns should be sent to the Military Commander of the District, who was requested to issue the necessary certificates of election. In carrying out this request of the Convention, I deemed my duty simply required that I should give the member having the greatest number of votes the ordinary certificate of election, and that it would be for each House to decide on the eligibility of these members, whose seats were on any grounds contested. Whilst I admitted as District Commander, executing the law, I was to see that no one ineligible to office under the Fourteenth Article Constitutional Amendment should be allowed to take office, I did not see that in the case of a parliamentary body, I was called on to decide on the qualifications of the members. In this view, I was sustained by a telegram sent to me for my information from the War Department, which had been sent to the Governor of Louisiana and the Military Commander of the Fifth District, and which I quote :

“ WASHINGTON, June 30, 1868.

“ To Governor Warmouth, New Orleans:

“ We think that persons disqualified under the Fourteenth Article of the Amendment to the Constitution of the United States, are not eligible to your Legislature. This is to be determined by the respective Houses, but no oath can be imposed except the oath prescribed by the State Constitution.

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| (Signed) | “ JAS. WILSON, “ Chairman Judiciary Committee. |
| (Signed) | “ GEO. F. BOUTWELL, |
| (Signed) | “ J. F. FARNSWORTH, |
| (Signed) | “ H. E. PAIN, “ Reconstruction Committee.” |

It will be seen by the above telegram that the distinguished gentlemen whose names were attached, were of the opinion, *First*, that no one ineligible to office under the Fourteenth Article could take a seat in the Legislature; *Second*, that the respective Houses were to judge of the question; *Third*, that no oath testing this eligibility could or should be prescribed in advance of the meeting of the Legislature. These views being in accordance with my own, I acted on them, and was present at the organization of the two Houses of the Georgia Legislature; to the members declared in my order as having the highest number of votes, there being administered only the oath prescribed by the State Constitution. After these Houses were organized, the Provisional Governor informing me officially of their organization, but that as far as he could learn, no steps had been taken to test the question of the eligibility of members under the Fourteenth Article, I replied to the Governor that until the State was admitted to represen-

tation, the Legislature and all the officers were only provisional, and subject to the paramount authority of the District Commander, and that in the exercise of this power I should consider all acts of the Legislature null and void, until satisfactory evidence was presented to me that each House had purged itself of ineligible members under the Fourteenth Article, provided there were any such in either House; and I desired the Provisional Governor to communicate these views to each House. On the receipt of this letter, each House at once ordered an investigating committee and enquired into the qualification of each member, and duly reported this fact through the Provisional Governor, stating at the same time that neither House had found any member ineligible.

The Provisional Governor, in transmitting these communications, expressed the opinion, founded on evidence presented to him, that several members in both Houses were ineligible, and called on me to exercise my power, and require said members to vacate their seats. On reflecting upon this subject, I could not see how I was to take the individual judgment of the Provisional Governor in the face of a solemn act of a parliamentary body, especially as, from the testimony presented, I did not, in several cases, agree with the judgment of the Provisional Governor. The question was simply whether, in the construction of a law and in considering the facts of individual cases, I should make myself the judge, or take the opinion of the Provisional Governor, in the face of the official information that a parliamentary body had gravely and formally, through a committee, examined, reported and acted on these cases. My judgment was decidedly that I had fulfilled my duty in compelling the Houses to take the action they had, and that having thus acted, I had neither authority, nor was it politic or expedient, to overrule their action, and set up my individual judgment in opposition. By an inspection of the telegram sent July 18, and the reply of the General-in-Chief, July 23, it will be seen that my views and actions were approved. I allude thus in *extenso* to this subject, because His Excellency, the Governor of Georgia, in a public speech recently delivered at Albion, New York, is pleased to attribute the failure of Georgia to be properly reconstructed, to my action in failing to purge the Legislature of his political opponents, he having advised me, when he urged such action, that his friends had been relieved of their disability by Congress.

The States being admitted to representation, the civil power vested in the Military Commander by the Reconstruction Acts ceased, and civil authority resumed its way. The inauguration of civil government was to me, personally, a source of great relief; charged as I had been with almost unlimited powers. Notwithstanding the utmost ef-

fort on my part to abstain from all interference, except in cases, where in my judgment there was no alternative, I found myself the subject of virulent abuse, my motives impugned, and every imaginable mode of attack resorted to, that malice and partisan malignity could devise. Determined from the first, to ignore all partisan considerations, and to faithfully execute the laws, without reference to any personal or political considerations, I encountered, as was to be expected, the animosity of both sides, without having the benefit of the sympathy of either. I can, however, with just pride refer to my administration, as being free from any design to interfere with the rights or liberties of any individual, much less any portion of the people; and if in some instances, as in the prosecution of the assassins of the Honorable G. W. Ashburn, of Columbus, Georgia, there was, as I have freely admitted, arbitrary measures resorted to, which in a different condition of society, and under a well ordered government, might seem to deserve reprobation, I feel satisfied the evidence published in the Special Report made upon this subject, will fully convince any candid and impartial judge, that my course was imperatively urged upon me.

I encountered from the outset great embarrassment from the want of judgment and knowledge on the part of subordinate agents, and from the great desire of those expecting benefit from military intervention, that I should interpose my authority and set aside the civil power. Against these influences I opposed a steady resistance. Soon after assuming command, I issued an order both to civil and military officers, informing the first they would not be interfered with so long as they faithfully executed their duties; and enjoining on the latter to abstain from interfering with the civil powers, and in all cases to report to me and receive my decision before taking any action; as, on my construction of the law, in the military commander and in him alone, rested the authority to supersede the civil power. I beg leave to call attention to the report of the Acting Judge Advocate of the Department, herewith appended, from which it will be seen that during the whole period of my civil administration, extending over a space of eight months, there were tried by Military Commission in three (3) States of Georgia, Alabama and Florida only thirty-two (32) persons; of these but fifteen (15) were convicted; and of these fifteen (15) the sentence of four (4) were disapproved; of eight (8) others remitted; of two (2) referred to the President of the United States, and still awaiting action, leaving but one (1) person convicted and in confinement for violation of civil law and tried by Military Commission on the cessation of military authority. This simple statement of facts I deem a complete refutation of the charges that military power was so despotically and arbitrarily exercised.

As with regard to the rights of person, so also with those of property. It was my study and effort to zealously guard the rights of individuals, without reference to any consideration but that of justice and law so far as I could comprehend it. The adoption of the relief laws in the several States; the loose manner in which these laws were drawn by the several legislatures, involved an immense amount of business in receiving, examining into and deciding on the innumerable cases which were presented; one side always claiming military intervention for their protection. As far as it was possible to do so, these applicants were always referred to the Judiciary, whose duty it was to construe these laws, and it was only in cases where the courts could not act, or could not be referred to, or in cases where legislative action was necessary—in other words, cases where action on the part of the military commander seemed to be imperative, that I would take any action. And it is gratifying to be able to state that since the resumption of civil authority and the right of appeal given to the dissatisfied parties, I have had no call for any papers or evidence touching any of the few cases acted on.

The amount of labor performed in carrying out the civil and military administration of my command, independent of what specially related to the Civil Bureau, during the period covered by this report, (from January 1st, to November 1st, 1868,) will be seen by reference to the accompanying statement of my Assistant Adjutant General, wherein is shown that there were five thousand four hundred and thirty-two (5432) letters received, and eighteen hundred and eighty-three (1883) letters, and six thousand and eighty-four (6084) endorsements covering orders, instructions and decisions, sent from my Headquarters.

The States comprising the district having been admitted to representation, orders were issued declaring the cessation of all intervention on the part of military officers in civil affairs; and the troops that had suffered greatly in discipline by the manner in which they had been detached and scattered, were concentrated on railroad centres, from whence, in the event of their services being required, they could be promptly moved. This movement proved very distasteful to the people and the civil authorities, who, having accustomed themselves to rely on the troops for maintaining order, were at first apprehensive of the consequences of their withdrawal.

Instructions were received from the President and Secretary of War confining the troops to the simple preservation of the peace, and that only, after the civil authorities had exhausted all the means in their power, and called on the military through the proper channels. (*See instructions contained in letters addressed to Brevet Major*

General Buchanan and to myself, appended.) It now became my embarrassing duty to decline using the forces under my command, and to impress on all parties, the altered condition of affairs. Soon after announcing the position of the military, the outrage at Camilla, in Georgia, was committed, where as I have stated in a special report, the evidence would seem to show, that the authors of the outrage were civil officers; who, under the guise of enforcing the law and suppressing disorder, had permitted a wanton sacrifice of life and blood. At the same time the report stated that the opposite parties,—for the affair was a political one—had, by their want of judgment, and their insistence on abstract rights in the face of the remonstrances of the law officers, giving these officers the opportunity of acting as they did. Immediately on this outrage being reported, an officer was dispatched to the scene, who made a thorough investigation and report. I found from the report that the affair lasted but one day and that there was no occasion to employ troops for the preservation of order or the protection of the people. Being satisfied that the matter had been, and so far as the detection and punishment of the criminals was concerned, should continue to be, in the hands of the civil authorities, I transmitted the report of the investigation, together with the evidence collected, to his Excellency, the Governor of Georgia.

Early in August, by the order of the President of the United States, the Second and Third Military Districts were abolished and consolidated into the Department of the South, to the command of which, I was assigned. This added to my command the States of North and South Carolina, increasing greatly the duties, because in these States, particularly in South Carolina, military authority had, during reconstruction, almost entirely superseded the civil.

Soon after taking command of the Department of the South, I received communications from the Governors of North and South Carolina urging the use of the troops, in sustaining the Civil Governments in these States, and notifying me of their possessing satisfactory evidence, of armed bodies being organized for the purpose of overthrowing the government. I had previously received somewhat similar communications from the Governors of Georgia, Florida and Alabama. The sum and substance of these letters were an admission that the several State governments were powerless and unable to enforce the laws, without the aid and co-operation of the Military. I replied to these several applications, that I could find nothing in the existing laws or the instructions from superior authority, which would justify my answering their call; which virtually amounted to taking charge of the State governments,—employing the civil officers as agents of the

military; that my sole and exclusive duty was to preserve the peace, and that only, after it was evident that the civil power was unable so to do, and had called on me in the manner prescribed by law. These applications became so numerous and pressing, that in view of the approaching Presidential election, on which day, by the Act of Congress approved March 2, 1865, I deemed I was authorized to employ the military forces to preserve the peace, and to calm the apprehensions of the anxious, and make known my views to the evil disposed, I issued, early in October, an order distributing the troops in the several States in the Department, and gave in the order, not only instructions to the officers and men, but deemed it my duty to make an appeal to the people of the several States, urging calmness and abstinence from those political excitements, tending to riot and bloodshed. Although, particularly careful to require all intervention of the troops to be subordinate to, and in aid of, and co-operation with the civil authorities, this order was misconstrued and subjected to the most virulent criticism. I am gratified however, in being able to state that the effect of the order, and the movements made by virtue of it, were in the highest degree satisfactory. At the same time, I take this occasion to call the attention of the General-in-Chief, and through him, those having the power to act, to the anomalous condition of affairs existing in this Department, and the necessity, if it be deemed proper for the military to intervene in civil affairs; that more power be given to the Department Commander, than existing laws confer.

I beg leave to refer to the reports of the several heads of the Staff Departments at these Headquarters for the necessary information in relation to the position, condition and discipline of the troops. So soon as the approaching election is over, it is contemplated to re-concentrate the troops, and to require the strictest attention to be paid to the drill and discipline of the several commands.

I take this occasion to express to my several District Commanders, and to the officers of the Staff Departments, and to the officers and men of the several commands, my thanks for the prompt and efficient co-operation I have ever received at their hands. No army, in previous history, was ever called on to discharge such delicate and responsible duties, involving powers that, if abused, might have led to the most serious consequences; and yet the transition from military to civil power was so imperceptible as to have passed unnoticed but for the special means, by way of proclamations, orders, etc., to make it public. I do not mean to deny but that there were individual exceptions, and that in some cases, bad judgment, political bias, or personal feelings, may have influenced the course of some individual officer or soldier—this is no more than is to be expected from our

nature—but I do maintain, that taking the large force extending over such an extent of territory, and vested with supreme power, that instead of the few instances where, perhaps, criticism might be appropriate, the wonder was—and it is to be said to the credit of the army—that so little abuse was made of a power by those who might very readily be supposed difficult to restrain and control.

Very respectfully, your obedient servant,

GEORGE G. MEADE,

Major General U. S. Army, Commanding.

TELEGRAMS RECEIVED AND SENT.

ATLANTA, GEORGIA, January, 8, 1868.

General U. S. Grant:

The passage of ordinances by the Conventions of Alabama and Georgia, enacting relief laws, are producing great suffering in these States, by causing expedition to be used in making levies in anticipation of these ordinances having the force of law advantage is being taken of the interval of time before these ordinances are laws to bring levies and executions, thus causing these ordinances, intended as a measure of relief, to become, in reality, the means of increasing and greatly aggravating the burdens of the people. I am, therefore, inclined to adopt the ordinances as the act of the military authority and declare them to have force until the question is settled as to the adoption or rejection of the Constitutions enacting them. I refer to you, because your telegram of December 23d is adverse to enforcing any of the ordinances of the Conventions prior to the adoption of the Constitutions, and to obtain your approval of my proposed action. Answer immediately.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,

WASHINGTON, D. C., January 10, 1868.

Major General George G. Meade, Commanding Third Military District:

As District Commander, I think you will be perfectly justifiable in adopting as your own order the Stay Laws proposed in the Constitutions to be submitted to the people of Alabama and Georgia. This

course is different from adopting, as law, the provisions of the Constitutions in advance of their ratification.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, January 9, 1868.

General U. S. Grant, Washington, D. C.:

I have had a conference with Governor Jenkins, and exerted all my influence to induce him to consider the appropriation by the Convention as an appropriation made by law, and not inconsistent with the provisions of the Georgia Constitution, and urged him to sign the warrant required by the Treasurer. The Governor declined, and there is no alternative but the exercise of my power to obtain control of the State Treasury. To avoid making any more changes than are required to effect the object, and also the difficulty of finding a suitable person and the questions of bonds, I propose to remove only the Treasurer, and to assign to the duty Brevet Brigadier General Ruger, with instructions to continue payments as heretofore, in accordance with the existing laws of the State, and to make such payments to the Convention as I shall authorize, checking thus unnecessary expenditures. I see no other mode of supplying the wants of the Convention, and its continuance in session is dependent on its wants being immediately supplied. It is probable other steps may have to be taken before the money can be secured, as it is intimated that an issue will be made, with a view of testing the validity of my powers. Your approval or disapproval is asked at once.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,

WASHINGTON, D. C., January 10, 1868.

Major General George G. Meade, Commanding Third Military District:

Plan proposed in your dispatch of last evening to remove State Treasurer of Georgia, is approved.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, January 11, 1868.

General U. S. Grant, Washington, D. C.:

The Convention of Alabama, ordained that when the election for the ratification of the Constitution should be held, the people should vote to fill all the offices created by the Constitution, and for members of Congress. General Pope, in his order authorizes the officers of the election to receive the votes cast in conformity with this ordinance. Governor Patton and many influential citizens, advocate strongly the withdrawal of this authority, alleging it will affect injuriously the question of ratification, and the nominees, mostly members of the Convention, are not such as the people would put in nomination, if

they had a fair chance. General Swayne admits some of the objections, but strongly reports against the revocation, on the ground that it would be disastrous to reconstruction; that it would require additional elections, greatly to be deprecated and that though not required explicitly by the Reconstruction Act, the power exercised by the Convention is implied in these Acts. My own judgment, would be against authorizing this election, were the question submitted *ab initio*. As the order has been issued, there are reasons against any change provided the order is legitimate. The ordinance contemplates the whole of the State machinery going into effect, so soon as the Constitution is ratified; but I do not think the officers elected, can take office without my authority, until the Constitution under which they are elected receives the approval of Congress. But, there will undoubtedly be great pressure brought to bear, to obtain my authority; and recent action in Congress, would seem to indicate a desire to place the State Governments in the hands of the Conventions. I should be glad to have your views, and as the urgency is immediate, I ask for them by telegraph.

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,
WASHINGTON, D. C., January 13, 1868.

Major General Meade, Commanding Third Military District:

You will perceive by the Reconstruction Acts that Conventions are to frame constitutions and civil governments for their respective States, which already implies authority to order the election of officers thereunder, and in fixing the day of election, Alabama has only followed an established precedent.

The Governments elected cannot assume authority except under orders from the District Commander, or after action of Congress upon their Constitutions.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,
WASHINGTON, D. C., January 13, 1868.

Major General George G. Meade, Commanding Third Military District:

I would not advise interference with elections ordered by the State Constitutions, unless very satisfactory reasons exist for doing so.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, January 12, 1868.

General U. S. Grant, Washington, D. C.:

General Swayne, upon further reflection, and fuller information as

to the character of the nominees, withdraws the objections, reported in my dispatch of yesterday, to the postponement of the election of State officers in Alabama on the 4th of February proximo.

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., January 15, 1868.

Major General George G. Meade, Commanding Third Military District:

Telegram to General Grant received. He replies, act according to your own judgment about postponing Conventions.

(Signed) ADAM BADEAU,
Brevet Brigadier General and A. D. C.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 12, 1868.

General U. S. Grant:

Unless the pending bill in Congress, directing military commanders to fill all the offices in the States under their commands rescinds the test oath and provides for selection from qualified voters, I am informed its execution in this District will be entirely impracticable.

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 15, 1868.

General U. S. Grant, Washington, D. C.:

The Governor of Florida has laid before me, and endorsed the same, a petition numerously signed, asking that the order of General Pope calling together the Constitutional Convention on the 20th inst., be suspended for a period sufficiently long to enable me to decide on the questions raised by them invalidating the election of the members. The points raised, are the violation of the Reconstruction Laws by General Pope. *First*, in the manner of districting the State. *Secondly*, in the registration thereof. *Thirdly*, in the conduct of the election. There is not time for me to deliberately examine these points, but there is *prima facie* evidence justifying me in the belief that perhaps, according to my judgment, the Reconstruction Laws have not been strictly adhered to, or at least there are grave questions raised. Under this view, I am disposed to postpone the meeting of the Convention for thirty days; but in this, as in all cases, refrain from acting until advised that you do not disapprove my proposed action. Please reply immediately.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA January 16, 1868.

General U. S. Grant, U. S. Army, Washington, D. C.:

Has a District Commander any authority, under the law, to correct infractions of the law? Has he any power, supposing he is satisfied that an election had not been properly conducted, or that great frauds existed, to set the election aside, and order another? My own opinion is, that he has not, and that the only appeal in cases of improper districting, or fraudulent election, is to be found in Congress when the Constitutions are acted upon. Answers to these questions are important because if I cannot correct the evils charged in the case of Florida, there is no occasion to postpone the meeting of the Convention.

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., January 17, 1868.

Major General George G. Meade, Commanding Third Military District:

Congress unquestionably can determine upon the question presented by the Governor of Florida, whatever may be the authority of District Commanders over such cases.

Major General Pope having practically settled the matter complained of, by his action, before you assumed command of the Third District, it is deemed judicious, not to interfere with meeting of the Convention at the time ordered by him; but leave the whole matter to Congress, on its final action.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 18, 1868.

General U. S. Grant, Washington, D. C.:

GENERAL: The State Treasurer and Comptroller General of this State, have not only removed beyond my jurisdiction all the funds in their charge, but all the books and records of their offices, hoping by these means to force a resort to civil process. As these acts are not only in violation of the statutes of Georgia, but clear cases of contempt of the power and authority of the United States, I have ordered the arrest, and if necessary, confinement of these derelict officers, and their trial by Military Commission for malfeasance in office and contempt of authority.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., January 18, 1868.

Major General George G. Meade, Commanding Third Military District:

Tell me whether you think the election for civil officers in Alabama,

should take place as now ordered, or not. It looks to me, better that it should ; but, being present, you can tell better than I can.

(Signed) U. S. GRANT,
General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 18, 1868.

General U. S. Grant, Washington, D. C.:

I have nothing to add my telegrams of the eleventh and twelfth instants in relation to postponement of Alabama election. My own judgment was in favor of rescinding General Pope's order authorizing it, but your dispatches of the thirteenth instant were so conclusive, and the delicacy I have in regard to General Pope's orders, caused me to notify Governor Patton that I should take no action. It is now, in my judgment, as the election is so near, too late to make any change.

(Signed) GEORGE G. MEADE,
Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 19, 1868.

General U. S. Grant, Washington, D. C.:

The conduct of the officials of Georgia, embarrass me in procuring funds for immediate purposes. I am informed the Georgia State Road, under instructions from the Governor, and doubtless, in anticipation of existing condition of affairs, has recently, without regard to the wants of the State Treasury, paid large sums to the Quartermaster General, on account of its indebtedness to the Government. It has occurred to me, that if this money has not yet reverted to the Treasury, and is under the control of the War Department, that a temporary return of a portion of it might be made to the Treasurer of Georgia or myself, for immediate wants; and when the present difficulties are overcome, and the revenue of the State derived from the regular sources, this loan could be returned. If this is practicable, I would most urgently recommend it, as if I can only get money, the officials are flanked. I am further advised by the Superintendent of the State road, who is faithfully co-operating with me, that if the auditing and settlement of his accounts could be transferred from Colonel Dana, at Washington, to an officer here—either General Saxon or Captain Farnsworth, that the settlement would be greatly expedited, and the revenue derived from the road, placed in the State Treasury in a much shorter time. This is very desirable, and I would urge said transfer be authorized.

(Signed) GEORGE G. MEADE,
Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 23, 1868.

General U. S. Grant, Washington, D. C.:

The importance of the subject and the very great embarrassment I find myself in, owing to the financial condition of this State, authorize and compel me to call your attention to my telegram of the 19th instant, and to urge immediate action thereon.

(Signed) GEORGE G. MEADE,
Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., January 24, 1868.

Major General George G. Meade, Commanding Third Military District:
I have recommended the adoption of your suggestions about Georgia Railroad and funds.

(Signed) U. S. GRANT,
General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 31, 1868.

General U. S. Grant, Washington, D. C.:

I am sorry to seem to be importunate, but the Convention presses me with their wants, and are making various propositions to raise money which, in the event of any action being had on my telegrams of the nineteenth instant, I am reluctant to accede to. I therefore, would like to hear what probability there is of my proposition and your recommendation being acted on.

(Signed) GEORGE G. MEADE,
Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., February 1, 1868.

Major General George G. Meade, Commanding Third Military District:
Report of action on your dispatch of 19th January, was sent by mail several days ago. There is scarcely any hope of anything from here, of a pecuniary nature.

U. S. GRANT,
General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 21, 1868.

General U. S. Grant, Washington, D. C.:

I have received, through the President of the United States, a communication from the Governor of Florida, relating to the meeting of the Convention. May I ask you to show to the President my tele-

grams on this subject, with your replies. I am advised to-day, by telegraph, that the Convention met yesterday and adjourned.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

—
WAR DEPARTMENT,
WASHINGTON, D. C., January 25, 1868.

Major General George G. Meade, Commanding Third Military District:

Will it not be well to extend the number of days the Polls are to be kept open at the Alabama election, in order to give full opportunity to all who register, to vote? Two days will hardly be sufficient time.

It would be better to amend General Pope's order now, than after the election had commenced.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, January 26, 1868.

General U. S. Grant, Washington, D. C.:

After reference to Commanding Officer, in Alabama, I have modified General Order No. 101, so as to allow four days for voting, and confined the number of precincts to not more than three, in any one county.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

—
WASHINGTON, D. C., February 5, 1868.

Major General George G. Meade, Commanding:

Your application in relation to the bill to be filed in the Supreme Court of the United States by Charles J. Jenkins, is received.

Counsel will be employed and the matter attended to.

(Signed) E. M. STANTON,
Secretary of War.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

—
WASHINGTON, D. C., February 10, 1868.

Major General G. G. Meade:

Tell me the probable result of Alabama election.

(Signed) U. S. GRANT,
General.

—
HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, February 10, 1868.

General U. S. Grant, Washington, D. C.:

I returned from Alabama yesterday. The election passed off without disorder of any kind. It is not practicable, as yet, to form any

accurate opinion of the vote, but indications would seem to show that it will not be greater than the vote cast for Convention, perhaps less, and if the registered vote has been much increased, the Constitution may be lost. In some of the Counties, no polls were opened—cause as yet unknown. In others, neither of the orders extending time of election were received. I am having a thorough investigation of these cases, and wherever I am satisfied the facilities required by the law have not been furnished, I shall re-open the polls, or have polls opened for a sufficient length of time to enable all who desire to vote to do so.

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., February 12, 1868.

Major General George G. Meade, Commanding Third Military District, Atlanta, Georgia:

Your dispatch, stating that you would investigate causes for non-holding of election, in parts of Alabama, and non-extension of time in others, and determination to give time hereafter, is right. We have nothing to do with defeat or success of the Constitution of Alabama; but it is the duty of the Military to see that all who are entitled to, should have an opportunity to express their will in the matter at the polls.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

FEBRUARY 12, 1868.

General Grant, Washington, D. C.:

Out of forty-six delegates elected to the Convention of Florida, and ordered by General Pope to assemble at Tallahassee, forty appeared and organized. Subsequently, dissensions arose,—principally on the question of distribution of officers—when eighteen of the members withdrew from the Convention. The twenty-two left, proceeded to form a Constitution and have notified me of their having done so, and ask an order for an election, and await my action prior to adjournment. In the mean time, the eighteen seceders joined by three of the delegates who failed to appear at the original organization, making twenty-one elected members, have organized and sent a protest against the action of the original body, and claim they have twenty-four members present. Up to this time, I have declined to interfere with their dissensions or to allow the military power to intervene in aid of one or the other party, deferring any action till their proceedings required it on my part. I must now decide on the legality of the acts of twenty-two who present a Constitution. If this party had a majority of the original members elected, I would have no doubt of their *status*,—but they have not. They have a majority of the members present at the organization, but three are known to have since joined, and the seceders claim that six have joined them. In other words, are twenty-two members of a body to which forty-six were elected,

forty organized, and three subsequently appeared, competent to discharge the functions assigned by law to the Convention.

I should have gone to Florida but for the Alabama election, and shall now go so soon as affairs in Alabama will permit. I have used every effort by recommendations to produce harmony, and perhaps, unless otherwise advised by you, shall continue to refuse any action until sufficient number of the seceders shall return to the original body, so as to make their number a majority of the number elected. This will require the return of two of the Senators. Your views are asked as soon as possible.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., February 13, 1868.

Major General George G. Meade, Commanding Third Military District, Atlanta, Georgia:

Has not the Convention of Florida expelled some of the members elect as ineligible to seats? If so, is not twenty-two members a quorum, and are not the expelled members among the seceders?

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., February 13, 1868.

Major General George G. Meade, Commanding Third Military District:

I suggest that you advise Florida Convention that their acts can not be recognized unless they are the acts of an undoubted quorum of the whole number of Delegates elected. Unless such a quorum open in their acts in a reasonable time, I would refer the whole matter, with all facts, to Congress. It will be well for you to go to Florida as soon as possible.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,

WASHINGTON, D. C., February 28, 1868.

Major General George G. Meade, Commanding Third Military District, Atlanta, Georgia:

If any notice, subpoena, or other paper is served on you, in the Georgia case, give no answer whatever, other than to refer any party or paper to our Council, care of the Secretary of War. Give the same notice to Ruger and Rockwell.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, February 29, 1868.

General U. S. Grant, Washington, D. C.:

The Florida Convention have submitted to me an ordinance relating to the ratification of the Constitution and election of officers under it. This ordinance provides that when the election is held under my orders for ratification, that the judges, inspectors and other officers shall provide separate ballot boxes, etc., and shall receive the ballots for Congressional, State and County officers, of all persons qualified to vote under the provisions of the Constitution, or, in other words, the votes of persons not registered under the Reconstruction Laws, are to be allowed to vote for these officers. Is this election of officers under the Constitution, and only to take office on the adoption of the Constitution, to be considered as an election for officers under the Provisional Government referred to in section six of Act approved March 2, 1867, and all non-registered voters, excluded by this section at first election held under the new Constitution? Again, the ordinance designates certain days in May for holding the election. Since adjourning, the President of the Convention, on behalf of a majority of its members, applies to have the date of election advanced to some time in April. Does section four of Act approved March 23, 1867, authorize District Commander to fix day of election, or change the same, after the Convention has designated a day?

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adj'tant General.*

WASHINGTON, D. C., March 2, 1868.

Major General George G. Meade, Commanding Third Military District:

The election proposed by the Convention for officers under the new Constitution, I do not consider as an election for officers under the Provisional Government, referred to in Section six (6) of the Act approved March 2, 1867. It is clear to my mind, that a proper construction of Section four (4), of Act approved March 23, 1867, does not authorize District Commanders to fix or change the day of election, after it has been designated by the Convention.

U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adj'tant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, March 6, 1868.

General Grant, Washington, D. C.:

Can you not send me an official or certified copy of the supplementary Reconstruction Act, recently passed by Congress,—I mean the one authorizing elections for State officers, at same time that Constitution is submitted for ratification.

(Signed) GEORGE G. MEADE,
Major General.

WASHINGTON, D. C., March 7, 1868.

Major General George G. Meade, Commanding Third Military District:

Please transmit immediately, a copy of the protest of the Georgia

Convention, against the proceedings of Governor Jenkins, now pending in the Supreme Court of the United States, which you lately forwarded. The copy to be authenticated by the signatures of the President and Secretary of the Convention, without any State; but certified by you to be genuine signatures of those officers, and that they are the President and Secretary of the State Convention now in session. The paper should reach here before next Friday, and may be sent by special messenger, to be detailed for that purpose. To have the authentication correct, it would be well to send a copy of the authentication by telegraph, omitting the protest itself, so that any changes desired by counsel can be made. Acknowledge this telegraph.

EDWIN M. STANTON.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, March 9, 1868,

Hon. E. M. Stanton, Secretary of War, Washington, D. C.:

SIR:—I send herewith by the hands of Brevet Lieutenant Colonel C. D. Emory, Aide-de-Camp, an official copy of the resolution of the Georgia Convention in relation to the suit brought in the Supreme Court of the United States in the name of the State of Georgia.

Very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE,

Major General U. S. A., Commanding.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., March 8, 1868.

Major General George G. Meade, Commanding:

The proposed certificate is right, but to use every precaution, it would be well to add also your affidavit. The papers must be here by Thursday night, and as much earlier as possible.

E. M. STANTON.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., March 7, 1868.

Major General George G. Meade, Commanding:

Law asked for by you, sent by mail.

When may your report on Alabama election be looked for?

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, March 9, 1868.

General U. S. Grant, Washington, D. C.:

I have only to-day received report on Alabama election. Vote for Constitution 70,812; against it 1,005; total vote cast 71,817; total vote cast for Convention 91,808; white vote for Constitution 6,702; white vote cast for Convention 18,553: vote on Constitution lacks for

ratification 13,550. Out of 62 Counties, twenty voted four days, thirteen voted two days, and two had no election, the balance, twenty-seven, voted five days. I am satisfied the Constitution was lost on its merits, and I think the best to do, would be for Congress to re-assemble the Convention to revise the Constitution and then re-submit it to the people under the new law, giving a majority of votes cast the power to ratify. I do not see much use in re-opening the polls as I proposed, as there is no possibility the votes that would be cast affecting the result. As soon as I can get away from here, I shall go to Montgomery to decide the question. In the mean time, as soon as I can have prepared the data, I will send you a report, showing the election as it took place; this will require perhaps a week.

(Signed) GEORGE G. MEADE,
Major General.

WASHINGTON, D. C., March 9, 1868.

Major General George G. Meade, Commanding:

Telegraph me the number of votes cast for Constitution; the number against, and the total number registered. Resolution of Congress calls on me for this information.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, March 10, 1868.

General U. S. Grant, Washington, D. C.:

I telegraphed you yesterday the result of Alabama election. By adding the amount, vote on Constitution fails of ratification, to that vote, and doubling, you will get amount of registered votes, viz: one hundred and ninety thousand seven hundred and thirty four,—but I should explain, that this amount is partly estimated, as some of the counties had not all sent in their revised registration. Again, this amount includes registration in these counties where no election was had, which ought not, in my judgment, to be included. All these points I will give you when my written report goes on. I telegraphed yesterday only the substance of Hayden's report.

(Signed) GEORGE G. MEADE,
Major General.

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, March 12, 1868.

General Grant, Washington, D. C.:

Alabama election returns show that the vote on Governor is eleven hundred and eighty-six less than vote on Constitution, and vote on Probate Judges is seven hundred and forty-two less than vote for Constitution. I send these because it has been charged that gross frauds were perpetrated in mutilating the tickets of colored men by tearing off the vote on the Constitution, and it was predicted that the vote for Probate Judges would exceed the vote on the Constitution by many thousands. I am of the opinion that most of the charges of extensive frauds will prove as illusory as the above. There were undoubtedly irregularities in the election sufficient to justify its being

set aside as recommended, and I believe a more liberal Constitution would command a majority of votes. In this State and Florida, where the Constitutions do not go beyond the requirements of Congress, but fully comply with them, there seems to be no doubt among all parties but that the people will ratify them by large majorities. The Georgia Convention adjourned yesterday, and the election for ratification will be held on the twentieth proximo.

(Signed) GEORGE G. MEADE,
Major General U. S. A.

WASHINGTON, D. C., March 13, 1868.

Major General George G. Meade, Commanding:

The last amendatory Reconstruction Act is now law.

U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., March 13, 1868.

Major General George G. Meade, Commanding Third Military District:

If you think it advisable to authorize the Florida election to take place in April, do not permit anything in my dispatch on that subject to keep you from it.

U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, March 14, 1868.

General Grant, Washington, D. C.:

Georgia Convention, in ordering election of members of Congress and State officers, after prescribing that at these elections the qualifications for voters shall be the same as prescribed by acts of Congress for voters on ratification, require voters to swear they will support the Constitution submitted, and that they have not prevented, or attempted to prevent, any one from voting. Is this permitted by the law of March 12, 1868, which prescribes that at these elections registered voters may vote? If permitted, do you think any oath should be required of registered voters for officers under the Constitution which is not required of voters on the Constitution?

(Signed) GEORGE G. MEADE.

WASHINGTON, D. C., March 16, 1868.

Major General George G. Meade, Commanding Third Military District:

Section two of the last amendatory Reconstruction Act provides the same qualifications for voters for members of Congress and the elective officers provided for by the Constitution submitted, as are prescribed for voters on the ratification of the Constitution. Voters on the ratification of the Constitution cannot, under the law, be required to take the oath prescribed by the Convention, and, in my opinion, it would be in contravention of the acts of Congress to require voters for Con-

gressmen and other elective officers to take it. Section second, referred to, is applicable to the Florida election.

U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., March 28, 1868.

Major General George G. Meade, Commanding Third Military District:

The motion for injunction against you and General Ruger, and Colonel Rockwell, was postponed by the Court yesterday, until the 1st of December next.

E. M. STANTON.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., April 2, 1868.

Major General George G. Meade, Commanding Third Military District, Atlanta, Georgia.

I suggest that the murder of Mr. Ashburn be investigated and justice be meted out promptly by Military Commission if the civil courts cannot be relied on.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, April 3, 1868.

General Grant:

I have just returned from Florida, and find your dispatch in relation to the murder of Mr. Ashburn. Captain Mills, commanding at Columbus, reports he is doing everything in co-operation with the civil authorities, to detect and arrest the murderers; and if any are caught, I intend trying them by Military Commission.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, April 4, 1868.

General Grant, Washington, D. C.:

There are unmistakable signs of disorder in this State and Alabama from secret organizations, such as have disturbed Tennessee. I am about issuing a very stringent order, and shall take very summary measures to check this evil, if practicable, but the force under my command is insufficient to control all parts of these States, and in view of the approaching elections I would be much relieved if the forces here could be temporarily increased, say an additional regiment for two months. The moral effect of re-inforcements would be very great, besides the actual benefit of additional forces. The people are becoming alarmed, the negroes getting excited threatening retaliation, and affairs within the last ten days assuming a serious aspect. The

object seems to be to drive obnoxious men out of the country. If you cannot spare a regiment, any companies you can send will be of great value.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., April 7, 1868.

Major General George G. Meade, Commanding Third Military District Atlanta, Georgia:

Will it not be well to remove all the civil officers in Columbus, and all other places where like outrages occur.

In Alabama, where outrages are committed, the men elected might be installed.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, April 9, 1868.

General U. S. Grant:

I have not removed civil authorities of Columbus, because Captain Mills, commanding there, reported they were acting in concert with him, and evinced every disposition to ferret out murderers. I did not send any Board to investigate, because Mills and his subordinates were doing every thing it was practicable to do. I have been fully alive to the necessity of action, but am waiting till I see the time when action will be available. Captain Mills has made some ten arrests, principally of people whom he has reason to believe have knowledge of the perpetrators of the deed. I have sent Major Smyth, of the Judge Advocate General's Department, to assist in the investigation, and have written to Mills to get his judgment on expediency of making removals of the civil officers. There will be difficulty just now in finding people willing to assume the responsibilities and dangers of the position.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, April 11, 1868.

General U. S. Grant, Washington, D. C.:

Have requested General Gillem to send companies at once to this place. These, with those from Thomas, will answer all purposes so far as can be anticipated. Matters have become in appearance much quieter, since issuing General Orders No. 51.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, April 29, 1868.

General U. S. Grant, Washington, D. C.:

Election passed off as quietly as could be expected, one or two serious outbreaks only. Many complaints of frauds from both sides, and some applications based on them for re-election. These will be thoroughly investigated, and action predicated on result of investigation. Official returns come in slowly. No accurate judgment can as yet be formed, but the probabilities are that the Constitution is ratified by a very large majority; Bullock, Republican, elected by a small majority, and Democrats carried a majority of the Legislature. No acknowledgment has been received by me of my letter to you of the 16th instant, and I would be relieved to know, at the earliest moment, your views on the points raised therein.

GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS, WAR DEPARTMENT,

WASHINGTON, D. C., April 29, 1868.

Major General George G. Meade, Commanding Third Military District:

I have carefully read your letter of 16th April, and its enclosures. I see nothing in them to change my opinion as expressed to you in my dispatch of March 2, 1868.

The officers elected under the new Constitution of Georgia, are not officers of the Provisional Government referred to in the Reconstruction Acts, nor are they officers elected under any so-called State authority, and are not therefore required to take the oath prescribed in section nine, Act of July 19, 1867. The eligibility to hold office must be determined by the new Constitution, and the Amendment to the Constitution of the United States, designated as Article Fourteen.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GEORGIA, May 2, 1868.

General U. S. Grant, Washington, D. C.:

Ryland Randolph, editor of the Tuscaloosa Monitor, whose paper has been frequently sent to you, as well as myself, recently assaulted, with intent to kill, a freedman in that town. The disordered condition of the State; the influential position of the criminal, induced General Shepherd to have Randolph arrested and to prefer charges against him, which I have ordered tried by Military Commission. Judge Busteed, of the United States District Court, has granted a writ of *habeas corpus* returnable on the 5th inst. Under my orders, (General Orders No. 11,) this writ will be obeyed so far as presenting the body in court and making respectful return, setting forth the ground and authority of arrest. It is not known whether Judge Busteed will acknowledge the authority or admit the justification on

the grounds set forth. Should he order the discharge of the prisoner, your opinion of the course to be pursued is solicited.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., May 4, 1868.

Major General George G. Meade, Commanding:

Randolph being taken before a United States Court, I advise submission to decision of that court.

U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, May 8, 1868.

General Grant, Washington, D. C.:

Colonel Sprague telegraphs, election in Florida passed off without disorder; judging from partial returns, Constitution ratified by about three thousand majority, and Reed ticket, (Republican,) elected by a small majority. The official returns have been received in this State from all but one county, and show Constitution ratified by 17,973 majority; Bullock elected by 7,279 majority; Senate 27 Republicans, 16 Democrats, 1 doubtful. House 95 Republicans, 74 Democrats, and 6 doubtful.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., May 9, 1868.

Major General George G. Meade, Commanding:

Do you think it advisable to appoint civil officers elected at late election in Georgia to relieve all army officers heretofore appointed by you?

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, May 11, 1868.

General U. S. Grant, Washington, D. C.:

It was not my intention to put in office any of the civil officers recently elected until Congress had acted on the Constitution. The only army officers detailed are the Governor, Comptroller and Treasurer. The Governor, if put in office, could not appoint any one, and would have to appoint every one through me. I do not desire any such position, and doubt if it would result harmoniously. Again, all appointees would have to take the test oath, and I question whether many of the elected men can do this. I have been greatly embarrassed in the few appointments I have made to find men who

could take this oath. When the Constitution is sent to Congress, if they authorize the civil government going into office in advance of the admission of the State and on the same terms as if the State had been admitted—that is, without requiring the test oath, I think this would be well. I am not disposed to relieve Governor Ruger at present, as there are certain financial and other questions originating under him, which it is due to him, he should have time to adjust and settle.

I perhaps ought to explain what I mean by want of harmony between the Governor elect and myself. Of course you will understand his appointments will be made on political and party grounds, and will be undoubtedly from his standpoint, on good and sufficient reasons, but I have nothing, and wish to have nothing to do with these matters, and if he makes appointments through me, the responsibility of concurrence, if nothing more, must rest on me.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., June 1, 1868.

Major General George G. Meade, Commanding Third Military District:

I would suggest that the military interfere no obstacle to the meeting of the legislature of Florida. Leave Congress to reject or affirm their acts.

I do not suggest ordering the legislature to meet, but mere instructions to the commander of the State that he do not interfere in the matter.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, June 1, 1868.

General U. S. Grant, Washington, D. C.:

It will not be practicable to adopt your suggestion in regard to the Florida Legislature without some action on my part. When the election of State and County officers were ordered, I directed the returns to be sent to the Superintendent of Registration, instead of the Board of Canvassers, as provided in the ordinance of the Convention. The members of the Legislature cannot get their certificates of election, without my directing the returns to be turned over. My object was and is to retain control of the whole subject, because if the Legislature is permitted to convene without orders from me, and without regard to the paramount authority which the Reconstruction laws vest in me, interminable confusion and conflict of authority will be sure to result. So long as the Reconstruction laws are in force, I should be opposed to the convening of the Legislature, except by my order, and under my authority. If these Legislatures would confine themselves to simply acting on the Fourteenth Article, and then adjourning to await Congressional action, I would not object so much, but once assembled they will do as they please, pass laws inconsistent with my powers and orders, tax *ad libitum* the State Treasuries, without any

control and without any means of enforcing their acts except through me ; whereas, if Congress will only act on the Constitution, and authorize District Commander to instal the elected governments, on some terms as if State was admitted, there would be no difficulty in the Governor-elect calling together the Legislature, and controlling their actions through the veto. Unless, therefore, you send positive orders, I shall require the Legislatures of Georgia and Florida, to await action of Congress on the presented Constitutions of those States.

(Signed) GEORGE G. MEADE,
Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, June 2, 1868.

General U. S. Grant, Washington, D. C.:

Official returns of the Florida election this day received, show for the Constitution, fourteen thousand five hundred and sixty-one (14,561) votes ; against the Constitution, nine thousand five hundred and eleven (9,511) votes ; majority for the Constitution, five thousand and fifty (5,050) votes. For the office of Governor,—Harrison Reed received fourteen thousand four hundred and twenty-one (14,421) votes ; George W. Scott received seven thousand seven hundred and thirty-one (7,731) votes, and Samuel Walker received two thousand two hundred and fifty-seven (2,257) votes.

(Signed) GEORGE G. MEADE,
Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, June 22, 1868.

To Major General George G. Meade, (Care Adjt. General U. S. Army):

General Dunn requests me to say that the trial of Columbus prisoners has not yet commenced, nor can it probably before the last of this week. There is no prospect that the trial can be completed before the State is admitted. Can a trial by Military Commission be continued after admission of State ? He desires you to see if Congress will not pass an Act for the disposition of all trials that may be pending on admission of a State.

R. C. DRUM,
Assistant Adjutant General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., June, 26, 1868.

Major General George G. Meade, Commanding Third Military District:

The act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida to representation in Congress, became a law June 25, 1868.

Please notify the Governors elect of the States in your district, for under the act, the Governor elect may, if he deems it necessary, con-

vene the Legislature thereof at an earlier date than that fixed by law.

U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,
WASHINGTON, D. C., June 27, 1868.

Major General George G. Meade, Commanding Third Military District:

Your proposition relative to employment of Counsel in the murder case, is approved.

(Signed) J. M. SCHOFIELD,
Secretary of War.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,
WASHINGTON, D. C., June 29, 1868.

Major General George G. Meade, Commanding Third Military District:

To avoid any questions as to who shall exercise the offices of Governor and Lieutenant Governor, in the State of Georgia and Alabama, notice convening of the Legislatures of said States, under the Act of Congress passed June 25, 1868. You will appoint the Governor and Lieutenant Governor elect, of Georgia, Governor and Lieutenant Governor of said State, *vice* present incumbents removed; and the Governor and Lieutenant Governor elect, of Alabama, Governor and Lieutenant Governor of said State, *vice* present incumbents removed. These appointments and removals to take effect at the date of the convening of said Legislatures, respectively.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, June 30, 1868.

Hon. Secretary of War and General U. S. Grant, Washington, D. C.:

When I left Washington, I was of the opinion that the trial of all civil prisoners might be, and should be left to the civil authorities on the admission of the State. Since my arrival, owing to the developments in the Ashburn murder case, the intense excitement produced by the same, and the false and malicious statements made for political purposes, I deem it most urgent that the trial should be carried on to the end by the military authorities. Colonel Schofield will apprise you of the character of the evidence, but every conceivable obstacle is being resorted to to produce delay, with the intention of taking the prisoners out of my hands by writ of *habeas corpus* so soon as the State is supposed to be admitted. I think, therefore, for the purposes of justice, some action should be had in Congress continuing the trial

of all cases by Military Commission pending at the time the State is admitted. Cannot this be done?

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM *Assistant Adjutant General.*

WAR DEPARTMENT,
WASHINGTON, D. C., July 1, 1868.

Major General George G. Meade, Commanding Third Military District:

In the absence of General Grant, your dispatch of yesterday was to-day submitted to the Secretary of War, and it is his opinion that the suggested Congressional action cannot be had.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 6, 1868.

General U. S. Grant, Washington, D. C.:

Both Houses of the Legislature of this State organized on the 4th instant, by electing a President of the Senate and Speaker of the House. Indications would seem to point to a Democratic majority in the lower House, and probable rejection of the Fourteenth Article. When the Houses were organized, all members who had received the largest number of votes were allowed to qualify by taking the oath prescribed by the Constitution of the State, and no reference was made to the eligibility of members under the Fourteenth Article. It is believed there are several in both Houses who are disqualified, but, of course, it is not to be expected that a Democratic majority will make any haste to unseat such. The question is, have I any authority in the premises? A legislative body is undoubtedly the judge of the qualifications of its own members; but has a Legislature convened under the Reconstruction Acts, and, therefore, provisional, under these Acts and the Act of June 25, until it has passed the Fourteenth Article, the right to pass the Fourteenth Article, or do any act beyond mere organization until it has purged itself of disqualified members, and can I, in view of the powers conferred by the Reconstruction acts, exercise any control over them in case of their failure so to do? An early reply to this telegram is requested.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,
WASHINGTON, D. C., July 7, 1868.

Major General George G. Meade, Commanding Third Military District:

Your dispatch relative to the eligibility of members of the Georgia Legislature, and your authority touching the same, has been received and forwarded to General Grant for instructions.

It is clear to my mind, that under the Reconstruction Acts, includ-

ing the one passed June 25, 1868, that no person prohibited from holding office under the United States, or under any State, by section three (3) of the proposed Amendment to the Constitution of the United States, known as Article 14, unless relieved from such disability, is eligible to a seat in the Legislature, and is, therefore, not competent to take part in its deliberations, or to pass upon the ratification of said Amendment. Under ordinary circumstances, the Legislature itself would be the proper judge of the qualifications of its members, and bearing upon this latter point, I send you herewith copy of dispatch of Hon J. F. Wilson, George S. Boutwell and others, to Governor Warmouth, of Louisiana. I also send one from General Grant to me, for General Buchanan, which most unmistakeably defines his views of the character of these Governments, and authority of the District Commanders. The Reconstruction Acts are required to be construed liberally, to the end that all the intents thereof, viz: the re-establishment of Civil Governments in the States lately in rebellion may be fully and perfectly carried out; and it would seem that persons ineligible to hold office under their provisions should not be permitted to defeat them.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

June 30, 1868.

To Governor Warmouth, New Orleans:

We think that persons disqualified by the 14th Article of the amendment to the Constitution of the United States, are not eligible to your Legislature. This is to be determined by the respective Houses; but no oath can be imposed except the oath presented by the State Constitution.

(Signed) JOSEPH S. WILSON, *Chairman Judiciary Committee.*
GEO. S. BOUTWELL,
J. F. FARNSWORTH } *Reconstruction Committee.*
H. E. PINE. }

RELAY HOUSE, MARYLAND, June 30, 1868.

To General John A. Rawlins:

Instruct General Buchanan that the Government of Louisiana is provisional, and the Lieutenant Governor is bound by the decision of the District Commander, right or wrong, whilst it remains so.

(Signed) U. S. GRANT,
General.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., July 9, 1868.

Major General George G. Meade, Commanding Third Military District:

In answer to dispatch of the 6th instant, the following has been received from General Grant:

ST. LOUIS, Mo., July 8, 1868.

To John A. Rawlins, Chief of Staff:

No person unable to hold office under the 14th Article of the Constitutional Amendment, should be allowed to qualify. District Commanders are the Judges of the qualifications of civil officers, until all

the requirements of the different Acts of Congress to complete Reconstruction of the seceded States, are fully complied with.

(Signed) U. S. GRANT,
General.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., July 11, 1868.

Major General George G. Meade, Commanding Third Military District:
The Secretary of War desires to know whether you can spare a Regiment of Infantry from your command.

(Signed) EDMUND SCHRIVER,
Inspector General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT.

ATLANTA, GEORGIA, July 11, 1868.

Edmund Schriver, Inspector General, War Department:

I would not recommend any reduction of the force in this District at the present moment. When Alabama and Georgia are admitted, and their civil governments peacefully inaugurated, there will be no objection to the withdrawal of a regiment of Infantry.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GEORGIA, July 16, 1868.

General Rawlins, Chief of Staff:

I am officially advised by the Commanding Officer, Sub-District of Alabama, that the Legislature which convened on the 13th instant, adopted on that day the Fourteenth Article Constitutional Amendment, and otherwise complied with the requisitions of the Act of June 25, 1868; and that on the 14th, the Governor elect was duly inaugurated and installed in office.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GEORGIA, July 18, 1868.

General U. S. Grant, Washington, D. C.:

On the 8th instant, having been officially notified by the Provisional Governor of Georgia that both Houses of the Legislature had reported to him they were organized, and ready for any communication from him, I instructed the Governor to communicate to both Houses that until compliance was had with the laws of Congress, I considered them as provisional, and subject to my control, and that I could not consider either House legally organized until it had examined into and

decided on the eligibility of its members under the Fourteenth Article. On receipt of this communication, each House appointed a committee to investigate and report. In the Senate, a majority of the committee reported all eligible. One member of the minority reported two ineligible. Another member of the minority reported nine ineligible. The Senate, after hearing the report of the committee, and excluding the Senators reported against from voting, endorsed and adopted the report of the majority, declaring none ineligible. This action is today transmitted to me by the Provisional Governor, who adopts the extreme report of the minority, gives his judgment that the action of the majority of the committee and of the Senate is illegal, and that the nine members are ineligible; states, however, that he has official information that certain of these members have had their disability removed by Congress, and calls on me to overrule the decision of the Senate, and declare vacant the seats of those members reported against by one member of the minority, whose disabilities have not been removed. I am not disposed to alter the position I have assumed, that it is the prerogative of each House to judge of the facts and the law in the cases of members of their Houses. I consider I have performed my duty when I called their attention to the law, and required action to be taken under it. I do not feel myself competent to overrule the deliberate action of a legislative body, who report they have conformed to the rule I laid down for their guidance. If I was the sole and exclusive judge of the qualifications of members, I should have exercised my prerogative before allowing the Houses to organize. I construed the dispatch of Mr. Wilson to Governor Warmouth, prohibiting any oath but such as the Constitution prescribed, as prohibiting any test in advance of the House having control, and as leaving to each House the right to decide. My judgment, therefore, is to acquiesce in the decision of the Senate, and leave to Congress such action as may hereafter be deemed proper in case the Senate has failed to comply with the law. To adopt the course proposed by the Provisional Governor, and overrule the action of the Senate, will bring me in immediate conflict with the Legislature, and produce results which, in my judgment, will be worse than allowing a few doubtful members to retain seats under the vote of their own body. It is proper I should add, that there appears at present no doubt but that the Congressional acts will be complied with, even if members whose seats are questioned are left undisturbed. So far as I can ascertain, the trouble is a personal one, arising out of the contest for United States Senatorship. I should also add that the Senate, whose action is reported, has a decided Republican majority, and could have purged itself of such members as are clearly ineligible. What I desire to know is whether, in your judgment, my duty requires me to overrule the deliberate act of the Senate, and judge for myself on the qualifications of members. I have no doubt of my power in the premises, but do not feel that I am called on to do more than I have done.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., July 20, 1868.

Major General George G. Meade:

Your dispatch has been received, and forwarded to General Grant for instructions.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., July 20, 1868.

Major General George G. Meade, Commanding Third Military District:

General Grant is now at Denver. Answer will probably reach you day after to-morrow. I have no doubt he will agree with you.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., July 23, 1868.

Major General George G. Meade, Commanding Third Military District:

The following dispatch just received:

DENVER, COLORADO, July 21, 1868.

To John A. Rawlins:

Major General Meade's dispatch just received. His conclusions are approved.

(Signed) U. S. GRANT,
General.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 21, 1868.

General U. S. Grant, Washington, D. C.:

Both Houses of the Legislature of Georgia having examined into and decided upon the qualifications of their respective members under the 14th Article Constitutional Amendment, I yesterday instructed the Provisional Governor to communicate to each House that I considered their organization legal and withdrew any opposition to their proceeding to the business which called them together. To-day both Houses, by decided majorities, have passed the Constitutional Amendment known as Article 14, and will, without doubt, at once otherwise comply with the requisition of the act of June 25, 1868.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 21, 1868.

Brevet Major General Schriver, War Department, Washington, D. C.:

Civil Government being established in Florida and Alabama, and the Georgia Legislature having to-day passed the Fourteenth Article

Constitutional Amendments, indicating that in a few days this State will have Civil Government re-established, I am prepared to dispense with one of the regiments of Infantry in this District, and would recommend the withdrawal of the 15th Regiment now in Alabama. Please notify me at the earliest moment that I may make the proper arrangements for relieving it.

(Signed) GEORGE G. MEADE,
Major General U. S. A.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., July 22, 1868.

Major General George G. Meade, Commanding Third Military District:

The Secretary approves the recommendation in your telegram of yesterday. The Adjutant General will send instructions by mail.

(Signed) EDMUND SCHRIVER,
Inspector General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 22, 1868.

General U. S. Grant, Washington, D. C.:

Yesterday, the Governor elect of Georgia notified me officially that both Houses of the General Assembly of Georgia, had by solemn act complied with the requisitions of the Act of Congress, which became a law June 25, 1868; and to-day, I have witnessed the inauguration of the Governor elect. The State of Georgia is therefore under the Acts of Congress, entitled to representation. The official documents will be carried to-day by Brevet Brigadier General R. C. Drum, sent to Washington for this purpose.

(Signed) GEORGE G. MEADE,
Major General U. S. A.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 30, 1868.

General U. S. Grant, Washington, D. C.:

The Governor of Georgia advises me there is reason to believe the municipal authorities of Augusta are about being resisted by a combination made for that purpose. These authorities were the appointees of my predecessor, and it is probable the resistance anticipated is on the ground that military authority having ceased, all agents deriving their power from the military are *functus officio*. The Governor calls on me to sustain the civil authorities if necessary. Instructions and advice is requested on the position the military power now occupies. In my judgment, I have no right to interfere or use the military forces under my command except where so instructed to do from superior authority, and that the Governor should report to Washington his inability to preserve order and enforce the law, before any orders are sent to me. If I am to preserve order in these States and do the police duty of municipalities whenever the civil authorities choose to call on me, I shall have my hands full, as the facility of having

order preserved through the United States forces will act to deter proper efforts on the part of the civil power. Besides, my force will be inadequate to do this duty. Not expecting any such duty, I consented to the withdrawal of the 15th regiment of Infantry. I am not disposed, and do not desire, to use my command on the judgment of others, or at their dictation. As the Reconstruction Laws and the powers given me under them no longer exist, I must ask explicit and distinct instructions as to my powers and their proper exercise.

This dispatch can be shown the Secretary of War if General Grant is not at Headquarters.

(Signed) GEORGE G. MEADE,
Major General

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,

WASHINGTON, D. C., July 31, 1868.

Major General George G. Meade, Commanding Third Military District:

Your telegram to the General Commanding, requesting instructions and advice on the position the military power occupies in Georgia, has been submitted to the Secretary of War, and by him laid before the President and Cabinet.

Your views as to when and how the military forces under your command may be used, were approved of, and I am instructed by the Secretary of War to say to you that he will prepare and send to you instructions for your guidance; also, that should any insurrection or riot break out before you receive them, to advise the Governor to telegraph to the President for the requested authority to use the troops in quelling the same.

By referring to General Grant's letter to you, dated June 27, 1868, you will find his opinion upon the tenure of office of military appointees, which is against their continuance, unless provided for by State authority.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,

ATLANTA, GEORGIA, August 17, 1868.

General Rawlins, Chief of Staff, Washington, D. C.:

When may I expect the instructions of the Secretary of War, referred to by you in your telegram of the thirty-first ultimo. I am awaiting them to instruct Commanders of Districts, and communicate with Governors of States.

(Signed) GEORGE G. MEADE,
Major General U. S. A.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

Dated WASHINGTON, D. C. August 20, 1868.

Received ATLANTA, GEORGIA, August 20, 1868.

To Major General George G. Meade, Commanding:

The subject matter of your dispatch is still under consideration.

The answer however will probably be similar to instructions sent General Buchanan.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

OFFICE UNITED STATES MILITARY TELEGRAPH.
[Telegram received at Headquarters Second Military District.]

CHARLESTON, S. C. August 5, 1868.

From Atlanta, Ga., August 5, 1868.
To Major General Meade, Charleston, S. C.

WASHINGTON, D. C., August 5, 1868.

The Secretary of War directs that you suspend concentration of troops under your late order, until he has time to communicate with you on the subject.

(Signed) E. D. TOWNSEND,
Assistant Adjutant General.

(Signed) S. F. BARSTOW,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS SECOND MILITARY DISTRICT,
CHARLESTON, SOUTH CAROLINA, August 5, 1868.

Secretary of War, Washington, D. C.:

I have received a telegram from Adjutant General directing suspension of order concentrating troops, until you can communicate with me. As the suspension of this order will produce much confusion—indeed, is almost too late—and as it will delay the departure of the 15th Regiment for Texas, which General Buchanan is urging to be sent to him, and as I feel confident you will be satisfied with my reasons, I shall delay suspension till a reply is received to this telegram.

My reasons for concentrating the troops, and only occupying such positions as the public exigencies require, are as follows: *First*, economy; *Second*, to increase the discipline and efficiency of the troops, which, from their being scattered and divided into small detachments has become lamentably low; *Third*, to do away with the number of subordinate officers, in whose hands the relations between the military and civil authorities must be left, and who often produce difficulty by want of judgment, or hasty temper; *Fourth*, to let the minor civil authorities and Bureau Agents know and realize that they are not to depend on the military to settle any trifling difficulty that may occur; *Fifth*, to have the troops in hand and ready, in case any emergency should occur requiring their employment, that they could be sent in large force without having to collect them from a number of points. I am very well aware that this arrangement is distasteful to the people, who have been depending on the troops for the preservation of order, and to others who wish the Government to scatter the troops, that money may be distributed. But as you have approved of my views of the relative position of the civil and military power, I trust you will approve of my programme for holding the troops in hand at railroad centers, where they can be promptly used in case of necessity. In other words, all the arguments are in favor of concen-

tration, and I know of none in favor of their being scattered, unless it is to gratify local influences.

I occupy two points in Alabama—Mobile and Huntsville; three in Georgia—Savannah, Atlanta, Dahlonega; six in Florida—Jacksonville, St. Augustine, Tampa Bay, Key West, Tortuga, and Pensacola. I should deeply regret my programme being overruled, as I acted on mature reflection, and to the best of my judgment. An early reply is requested.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

OFFICE UNITED STATES MILITARY TELEGRAPH.

[Telegram received at Headquarters Second Military District.]

CHARLESTON, S. C., August 6, 1868.

From Washington, August 6, 1868.

To Major General George G. Meade, Commanding Department of the South:
Your cipher telegram of August 5, is received. The Secretary of War will be back from short absence to-morrow.

(Signed) E. D. TOWNSEND,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS SECOND MILITARY DISTRICT,

CHARLESTON, S. C., August 6, 1868.

Brevet Major General Rawlins, Washington, D. C.:

Please get from Adjutant General and forward to General Grant, my telegram of yesterday to Secretary of War, giving reasons for concentration of troops. It was not with any intention of not answering any proper calls made on me by the constituted civil authorities—though I am of the opinion that said calls should be made through the authorities at Washington—on the contrary, my disposition of troops was made with a view of promptly acting by masses, if action was required. I did not station any at Montgomery, because the place is unhealthy, and I thought it better to remove the troops from the centre of political agitation; but I have four companies at Mobile and eight at Atlanta that can be sent to Montgomery in less than a day. It is now too late to change, without great confusion, existing orders, and I trust the General-in-Chief has that confidence in my judgment, that when he is apprised of my reasons, and himself examines the disposition of the troops, that he will refrain from overruling me. If, however, he is still of the opinion that four companies should be at Montgomery, they can be sent from the troops now in this command, the late Second District. I would state there never has been over three companies at Montgomery, and that I do not know of a single reason for troops being at Montgomery, than any other town in the State.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

OFFICE UNITED STATES MILITARY TELEGRAPH.

[Cipher telegram received at Headquarters Second Military District.]

CHARLESTON, S. C., August 6, 1868.

[From War Department, Washington, August 6, 1868.]
To Major General George G. Meade, Commanding Department of the South:

The following dispatch is transmitted for your guidance:

St. LOUIS, Mo., August 5, 1863.

To Major General John A. Rawlins, Chief of Staff:

Direct Major General Meade to leave troops as now stationed in Alabama, if they have not been already concentrated. If they have been sent to Huntsville, direct that at least four Companies be stationed at the State Capital of Alabama, and the rest held in reserve to answer calls, should they be made by the Governor of the State.

(Signed) U. S. GRANT,
General.(Signed) JOHN A. RAWLINS,
Chief of Staff.

A true copy:

R. C. DRUM, Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, August 8, 1868.

Colonel Sprague Commanding District of Florida, St. Augustine, Fla.:

Your course in receiving and confining criminals against the laws of the State of Florida, on the urgent application of the Governor, is disapproved; and you are hereby notified that there is no authority vested in you, as District Commander, to grant or deny any application of the Governor; but the same should be referred to these Headquarters. You will require the Governor to call upon the Legislature—whose duty it is to provide for the safe-keeping of criminals—to take the necessary steps to have this duty discharged; and you will abstain from assuming any further responsibility in such matters, without specific instructions from these Headquarters. However lamentable may be the state of affairs as reported, you have no power to remedy it. If the Governor is unable to enforce law and order in the State, he should so report to the President, when orders will be given for the military power to intervene.

(Signed) GEORGE G. MEADE,
Major General U. S. A., Commanding.

A true copy:

R. C. DRUM, Assistant Adjutant General.

HEADQUARTERS DISTRICT OF FLORIDA,
ST. AUGUSTINE, FLA., August 8, 1868.

Major General George G. Meade, Commanding Department of the South:

Your telegram of to-day is received, and will be rigidly enforced. I have called upon Governor Reed to take charge of the prisoners at once.

(Signed) JOHN T. SPRAGUE.
Colonel, Commanding.

A true copy:

R. C. DRUM, Assistant Adjutant General

HEADQUARTERS DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, August 10, 1868.

Brevet Major General E. D. Townsend, War Department, Washington:

I propose to concentrate the troops in North and South Carolina in the same manner as I have done in the States composing the late Third Military District. In North Carolina, I propose to concentrate the 40th Infantry at Goldsboro', the squadron of the 5th Cavalry at Raleigh, and to occupy Forts Johnson and Macon each with a Company of the 5th Artillery. In South Carolina, I design concentrating the 8th Infantry at Columbia, the six Companies of the 6th Infantry at Charleston, and to order the squadron of the 5th Cavalry now at Aiken, and the Light Battery now at Columbia, to this place, to form a reserve for the whole Department. The four Companies of the 12th Infantry I propose to send to Savannah, so that I can concentrate at this point the 33d Regiment of Infantry.

I desire these proposed movements may be laid before the General-in-Chief and Secretary of War, and their approval or disapproval transmitted at the earliest moment.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., August 11, 1868.

To Major General George G. Meade, U. S. A.:

Your dispatch of the tenth received, and disposition of troops approved, with qualification in my dispatch to you, at Charleston, dated sixth instant, as follows:—Two (2) companies will answer at Montgomery, that being capitol of the State. In view of force you design for Atlanta, they can be taken from any point you deem best.

By COMMAND OF GENERAL GRANT.

(Signed) E. D. TOWNSEND,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., August 20, 1868.

To Major General G. G. Meade, Commanding Department of the South:

The following telegram, which has been received by the Secretary of War, is referred to you for such action as you may deem necessary:

MONTGOMERY, ALA., August 20, 1868.

Honorable J. M. Schofield, Secretary of War:

It is understood that a Company of the 33d United States Infantry is at Selma under marching orders. I hope the Company will be permitted to remain there for the present. I think their presence there indispensable to the preservation of peace.

WILLIAM H. SMITH,
Governor of Alabama.

By order of the Secretary of War:

(Signed) J. C. KELTON,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, August 20, 1868.

Adjutant General, Washington, D. C.:

Dispatch in reference to troops at Selma, Alabama, received. Has been referred to Brevet Brigadier General Ruger, Commanding in that State, and as soon as his report is received, the Department will be notified of action, if any is taken.

(Signed) GEORGE G. MEADE,

A true copy :

Major General.

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, August 20, 1868

Brevet Brigadier General Ruger, Huntsville, Alabama :

Governor of Alabama telegraphs Secretary of War, that the presence of a company of troops at Selma, is indispensable to the preservation of the peace. Please communicate with the Governor and ascertain the ground on which such opinion is predicated? whether general, and as applies to all towns in Alabama, where there is a large proportion of negroes, or whether there are any local causes, rendering it likely that such contingencies, as justify the intervention of United States troops, will immediately occur. Communicate with commanding officer at Selma, for report on condition of affairs. In other words report in full, to enable me to decide whether any modification of existing orders, based on principles communicated to you, is required at Selma. Also report why this company is so long in obeying the order of concentration, issued several weeks since.

(Signed) GEORGE G. MEADE,

Major General.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HUNTSVILLE, ALA., August 21, 1868.

To Major General George G. Meade, Commanding Department of the South :

Telegram of 20th received to-day. The following received from Governor Smith in reply to mine :

"Application as to Company at Selma is based on application of good citizens of that City. They fear disturbance if the Company is removed, and think its mere presence will secure tranquility."

This application is in reference to that Company only, and for the reason here given. Company from Selma will be here to-day. Will send full report by mail. No emergency at Selma, I think.

(Signed) THOMAS H RUGER,

Col. 33d Infantry, Bvt. Brig. General, Commanding District of Alabama.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,

ATLANTA, GEORGIA, August 21, 1868.

Brevet Major General Rawlins, Washington, D. C.:

Can you send me by telegraph, an official copy of instructions to General Buchanan?

(Signed) GEORGE G. MEADE,

A true copy :

Major General.

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT,

WASHINGTON, D. C., August 22, 1868.

*Major General George G. Meade, Commanding Department of the South,
Atlanta, Georgia.*

The following instructions were sent to General Buchanan:

HEADQUARTERS OF THE ARMY,

Adjutant General's Office,

Washington, D. C., August 10, 1868.

*Brevet Major General Robert C. Buchanan, U. S. Army, Commanding
Department of Louisiana, New Orleans, Louisiana.*

General: The following instructions from the Secretary of War are furnished for your government, to the end that the necessary aid may be rendered by the United States as promptly as possible in any case of insurrection or domestic violence in the States embraced in your Military Department. You will keep yourself informed of the condition of affairs in said States, and communicate promptly by telegraph to the War Department, through the Headquarters of the Army, any facts which may make it the duty of the President, under the Constitution and laws, to employ the military force of the United States.

You will also maintain such disposition of the troops under your command, that they may be ready to act without delay upon receipt of the President's orders. Stationing them at, or from time to time moving them to points, where you may have reason to apprehend a necessity for their use.

The following extracts from the Constitution and Laws of the United States, indicate the condition under which the military forces of the United States may be lawfully employed to suppress insurrection against the Government of any State:—

Article 4, Section 4, of the Constitution—"The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against invasion, and on application of the Legislature or of the Executive, when the Legislature cannot be convened, against domestic violence."

Act of Congress, approved February 28, 1795, Section * * * *

"And in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States on application of the Legislature of such State or of the Executive, when the Legislature cannot be convened, to call forth such a number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection. And Section three (3) provided always and be it further enacted, that whenever it may be necessary, in the judgment of the President to use the military force hereby directed to be called forth, the President shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

Act of Congress approved March 3, 1807: Be it enacted, &c., that in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the Militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval forces of the United

States as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

BY COMMAND OF GENERAL U. S. GRANT:

(Signed) E. D. TOWNSEND,

Assistant Adjutant General.

(Signed) JOHN A. RAWLINS,

Chief of Staff.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

BORDENTOWN, N. J., September 14, 1868.

General R. C. Drum, Atlanta, Georgia:

Advise Governor of North Carolina that I shall not change the disposition of troops for the purposes indicated in his telegram. If any actual resistance to law, which he cannot suppress, occurs, I will promptly send the troops, but until overt acts occur, I shall keep them ready for emergencies in any part of the State. The civil authorities must attempt, at least, to preserve the peace. Send copy of telegram to General Miles.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, September 22, 1868.

To Major General George G. Meade, U. S. A.:

Reports relative to difficulty at Camilla, Georgia, are so exaggerated that it is difficult to get at the truth. General Sibley promises to send me report of investigation as soon as received. All accounts agree that it was commenced by white men. Will I continue to send papers to you.

(Signed) R. C. DRUM,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, September 22, 1868.

To Major General George G. Meade, U. S. A.:

Lieutenant O. H. Howard, Agent Freedmen's Bureau, has just reported, under date of September twentieth, giving full account of the affair at Camilla, Georgia. He states that unless vigorous measures are instituted and troops stationed there for protection of all parties, there will be much bloodshed. He says he cannot restrain the people.

(Signed) R. C. DRUM,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

PHILADELPHIA, September 22, 1868.

General R. C. Drum:

My knowledge of Lieutenant Howard does not induce much importance to his report, and I am not aware of any authority he has to restrain any one, he being, as I understand, an agent of the Freedman's Bureau. I am not disposed to send troops until there is satis-

factory evidence of the inability of the civil authorities to suppress any disorder, and until the proper call is made by the Governor of the State. Captain Mills is an officer in whose judgment I should place great reliance. He should be instructed to inquire into the conduct and capacity of the civil authorities, and to report whether they have done their duty; keep me advised promptly by telegraph, and direct General Sibley to have troops ready to send, in case I should deem it proper to send them. A telegram will reach me at the War Department to-morrow.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

PHILADELPHIA, September 22, 1868.

General R. C. Drum, Atlanta, Georgia:

Send an officer to inquire into and report all the facts connected with the riot said, in this morning's telegram, to have occurred yesterday at Cainilla, in Southwest Georgia, unless you have already reliable information on the subject. Reply to-day to this place; to-morrow to Washington.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, September 23, 1868.

Major General George G. Meade, (care of War Department):

Your two telegrams reached me last night. Your wish relative to detail of Captain Mills, had been anticipated, as my telegram of yesterday will have informed you. Both Houses of the State Legislature have passed resolutions that the presence of troops is not necessary, and that the civil authorities are competent to take care of matters. General Sibley has been instructed as you direct.

(Signed) R. C. DRUM,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WASHINGTON, D. C., September 23, 1868.

General Drum, Atlanta, Georgia:

Call by telegraph on commanders of Districts to submit a project for the distribution of their commands, within the limits of their Districts for the purpose of preserving order during the approaching Presidential election, and the political campaign preceding the same. The posts should not be less than a company, and so distributed as to enable detachments to be made to places in the vicinity, if necessary. The troops to be prepared to go into camp, if quarters cannot be temporarily hired. The movement in regard to supplies and quarters, to be considered as that of a moveable column—the troops being held ready at any moment to move from point to point as may be necessary.

Let this call be answered in writing, and direct District commanders to confer with Governors of States

(Signed) GEORGE G. MEADE,
Major General U. S. A.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, Sept. 30, 1868.

Honorable Secretary of War, Washington, D. C.:

Morning's telegrams announce you are to give to-day, to the Alabama delegation, a letter of instructions addressed to me. If this is so—and I shall be glad to hear it is—I beg you will send me a copy by telegraph, as it will aid me in the order I am preparing, distributing the troops. Every thing is quiet in the Department, the Camilla affair having only resulted in a little political riot. I am awaiting the report of investigating officer to transmit the same.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

WAR DEPARTMENT, September 30, 1868.

[Received at Atlanta, Georgia, September 30, 1868]
To Major General George G. Meade, Commanding Department of the South:

The instructions sent you to-day, consist of a reference of the Alabama memorial to you, for your action, under the instructions heretofore given; and with the Presidents wish that you exercise within the limits of lawful authority, full discretion and preserve the peace.

(Signed) J. M. SCHOFIELD,
Secretary of War.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

COLUMBIA, S. C., October 3, 1868.

Received at Atlanta, Georgia, October 3, 1868.

Major General George G. Meade, Commanding:

Since writing affairs are greatly aggravated. Several wanton murders have been committed. A State Senator, on his way home, was met by a mob at Chester last night, who threatened his life if he attempted to proceed, and he was compelled to return. Armed men patrol the roads. The civil authorities are powerless to enforce the laws. Instructions to General Bomford are necessary for the maintenance of the supremacy of the State government.

(Signed) R. K. SCOTT,
Governor.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, October 3, 1868.

R. K. Scott, Governor, Columbia, South Carolina:

Colonel Bomford under date of September 15, was furnished with the instructions received by me from the War Department. I have no authority to employ the troops except under the conditions speci-

fied in the letter from the War Department, dated August 25, a copy of which will be sent by mail, and which you can see by asking Colonel Bomford, as it was sent to him on the 15th instant. I shall in a few days issue an order distributing, till after the election, the troops under Colonel Bomford's command—but they will not be able to act, except under the prescribed conditions given and when duly called on in the mode indicated in the instructions.

(Signed) GEORGE G. MEADE,
Major General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

ATLANTA, GEORGIA, October 6, 1868.

General Grant, Washington, D. C.:

I forward an outline of an order to be at once issued, on which I desire the comments of yourself, Secretary of War and the President. I am of opinion the moral effect of this order, and the distribution of troops will tend greatly to allay existing excitements, and to remove some existing delusions. In connection with this measure, it would have a very beneficial effect, if a movement could be made—say of one or two companies to each of the following places:—Raleigh, Columbia, Atlanta and Montgomery, to act as reserves until after the election. The mere arrival and passage through the country will have a great effect, as indicating the determination of the authorities at Washington to sustain me.

(Signed) GEORGE G. MEADE,
Major General.

The following is an extract of the order referred to :

HEADQUARTERS, DEPARTMENT OF THE SOUTH,
ATLANTA GEORGIA, October 8, 1868.

GENERAL ORDERS }
No. 27. } (*Extract.*)

Whereas, by an act of Congress of the United States, approved March 2d, 1865, it is made the duty of the military authority to preserve the peace at the polls at any election that may be held in any of the States; and Whereas, this duty has become the more imperative, from the existing political excitement in the public mind, from the recent organization of civil government, and from the fact that Congress has by statute prohibited the organization of military forces in the several States of this Department, it is therefore ordered,

* * * *

VIII. District commanders will instruct post commanders in their duties, and the relative position of the civil and military powers. They will furnish them with copies of the circulars from these Headquarters, of August 25, and October 1st ult., (the latter of which was forwarded September 15, to District Commanders,) in which the instructions of the War Department are set forth in full. They will impress on post commanders that they are to act in aid and co-operation, and in subordination to the civil authorities; that they are to exercise discretion and judgment, unbiased by political or other prejudices; that their object should be exclusively to preserve the peace

and uphold law and order, and they must be satisfied such is the object of the civil officer calling on them for aid, that they must in all cases where time will permit, apply for instruction to superior authority, but they must at all hazards preserve the peace, and not be restrained by technical points, when, in their conscientious judgment under the rules above set forth, it is their duty to act. Post Commanders on being notified of the proposed holding of political meetings, may send an officer, and if necessary a detachment, to watch the proceedings and see that the peace is preserved.

IX. To the people of the several States composing the Department, the Major General commanding appeals that they will co-operate with him and the civil authorities in sustaining law and order, in preserving the peace and in avoiding those scenes of riot and bloodshed, and the wanton destruction of property and life, which has already, in some instances, been enacted in the Department. He urges abstinence from all inflammatory and incendiary appeals to the passions; discountenancing the keeping open of liquor shops on days of political meetings and of election; the abstaining from carrying arms, and asserting the individual right of construing laws by force of arms. No just cause is ever advanced by resort to violence. Let there be charity and forbearance among political opponents, whatever may be the result; let each good citizen determine, that all who, under the law, have the right to the ballot, shall exercise it undisturbed. If there are disputed points of law, let them be referred to the courts, and let not mobs or political clubs, or other irresponsible bodies, construe and undertake to execute the law. This appeal is made in the earnest hope that the Major General Commanding can rely on the good sense and correct judgment of the mass of the people, and that he will not be compelled to resort to the exercise of the power with which he is intrusted, and which he will most reluctantly employ. But he thinks it his duty to make known, that so far as the power under his command will admit, he will not permit the peace to be broken, and that he will not be restrained in the conscientious discharge of his duty by technicalities of laws made when the present anomalous condition of affairs were neither anticipated or provided for.

BY ORDER OF MAJOR GENERAL MEADE :

R. C. DRUM,

Assistant Adjutant General.

A true copy:

R. C. DRUM, Assistant Adjutant General.

WAR DEPARTMENT,

WASHINGTON, D. C., October 8, 1868.

Received Atlanta, Georgia, October 8, 1868.

To Major General Meade, Commanding Military Department of the South:

Your dispatch of October 6, has been submitted to the General of the Army, the Secretary of War and to the President of the United States. The General approves your proposed order. The President and Secretary of War do not deem it necessary to add any thing to the instructions heretofore given you, believing those instructions ample for your government.

(Signed)

E. D. TOWNSEND,

A true copy:

R. C. DRUM, Assistant Adjutant General.

Assistant Adjutant General.

REPORTS

OF CHIEFS OF STAFF DEPARTMENTS ON DUTY AT HEADQUARTERS THIRD MILITARY DISTRICT AND DEPARTMENT OF THE SOUTH.

Statement showing the amount of labor done at Headquarters, Third Military District and Department of the South, from January 1, 1868, to November 1, 1868, not including papers specially relating to Registration, elections, appointment to office, &c., pertaining to Civil Bureau:

| | |
|---|-------|
| Number of letters received..... | 5,432 |
| Number of miscellaneous papers (Inspection reports of property, certificates of disability, furloughs, &c.,) received and acted upon..... | 2,026 |
| Number of letters sent..... | 1,883 |
| Number of endorsements..... | 6,084 |
| Number of General Orders issued..... | 140 |
| Number of Special Orders issued..... | 239 |

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
OFFICE OF JUDGE ADVOCATE,

ATLANTA, GEORGIA, Nov. 1, 1868.

Brevet Brigadier General R. C. Drum, U. S. Army, Assistant Adjutant General, Department of the South.

GENERAL:—I have the honor to transmit herewith a report of the number of cases tried in the Third Military District from January 1, 1868, to July 31, 1868, and in the Department of the South from August 1, 1868, to October 31, 1868.

The nine cases reported as "trial commenced but not completed" were the nine prisoners charged with the murder of G. W. Ashburn,

whose trial was commenced on the 29th of June, 1868, but was suspended July 21, 1868, after the prosecution and a portion of the defense were completed, owing to "the probable immediate admission of the State of Georgia, and consequent cessation of military authority," and the prisoners were turned over to the civil authorities. (See General Orders No. 12, current series, Headquarters Department of the South.)

The two cases tried by Military Commission, "awaiting the action of the President," are those of Henry Moyatt, Private Company B, 16th Infantry, and David Cameron, Private Company C, 5th Cavalry, charged with murder. The first of these cases was forwarded July 18, 1868, and the latter July 20, 1868.

The only prisoner tried by a Military Commission in the Third Military District, now undergoing punishment, is William J. Branen, found guilty of "voluntary manslaughter," (General Orders No. 95, Headquarters Third Military District, series 1868,) who was, however, sent to the Penitentiary of the State of Georgia, and, on the cessation of military authority, was turned over to the State authorities.

I am, very respectfully, your obedient servant,

(Signed) WM. H. SMYTH,

Capt. 16th Infantry, Bvt. Maj. U. S. A., Acting Judge Advocate.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

*Report of the number of cases tried in the Third Military District from January 1st, 1868, to July 31st, 1868,
and in the Department of the South from August 1st, 1868, to October 31st, 1868.*

| BY MILITARY COMMISSION. | | | | | | | | | | | | BY GENERAL COURT MARTIAL. | | | | | | | | | | | | |
|--------------------------|------------|-----|------------|-----|------------|---------------|------------|-----|------------|-----|------------|---------------------------|------------|-----|------------|-----|------------|---------------|------------|-----|------------|-----|------------|-----|
| OFFICERS. | | | | | | ENLISTED MEN. | | | | | | OFFICERS. | | | | | | ENLISTED MEN. | | | | | | |
| No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | No. | Convicted. | |
| Third Military District, | 1 | 8 | 2 | 4 | 15 | 8 | 9 | 32 | 2 | 2 | 1 | 1 | 1 | 2 | 1 | 1 | 5 | 34 | 6 | 3 | 98 | 18 | 159 | 164 |
| Department of the South, | 1 | 8 | 2 | 4 | 15 | 8 | 9 | 32 | 2 | 2 | 1 | 1 | 3 | 1 | 1 | 12 | 92 | 14 | 9 | 239 | 61 | 415 | 427 | |
| Grand Aggregate, | 1 | 8 | 2 | 4 | 15 | 8 | 9 | 32 | 2 | 2 | 1 | 1 | 3 | 1 | 1 | 12 | 92 | 14 | 9 | 239 | 61 | 415 | 427 | |

HEADQUARTERS DEPARTMENT OF THE SOUTH,
JUDGE ADVOCATE'S OFFICE,

ATLANTA, GEORGIA, November 1st, 1868.

(Signed) WM. H. SMYTH,
Capt. 16th Inf't. Bvt Major U. S. A.,
Acting Judge Advocate.

A true copy:
R. C. DRUM, Assistant Adjutant General.

Statement of Receipts and Expenditures under the Reconstruction Acts, in the Third Military District, from May 21, 1867, to November 5, 1868.

| | | RECEIPTS. | | Doll's. | C. | Doll's. | C. |
|---------|---------|--|---------|---------|----|---------|----------|
| 1867. | | Amount cash received to Dec. 31, 1867, as follows: | | | | | |
| May 21 | | Received from U. S. Treasurer, | - - - - | 97,222 | 22 | | |
| Aug. 30 | | Received from U. S. Treasurer, | - - - - | 78,114 | 79 | | |
| | | Total received to December 31, 1867, | - - - | | | 175,337 | 01 |
| | | EXPENSES. | | | | | |
| 1867. | Dec. 31 | Amount expended to date as follows: | | | | | |
| | | Pay of civil employees, | - - - - | 120,390 | 69 | | |
| | | Mileage and transportation, | - - - - | 19,262 | 30 | | |
| | | Stationery and printing, | - - - - | 24,663 | 99 | | |
| | | Postage and telegraphing, | - - - - | 3,678 | 17 | | |
| | | Office rent and furniture, | - - - - | 2,125 | 73 | | |
| | | Horses and equipments, | - - - - | 1,524 | 40 | | |
| | | Wagon and harness, | - - - - | 450 | 85 | | |
| | | Forage, | - - - - | 101 | 77 | | |
| | | Fuel and light, | - - - - | 58 | 45 | | |
| | | Total expenses to December 31, 1867, | - - - | | | 172,256 | 37 |
| | | Balance on hand January 1, 1868, | - - - | | | | 3,080 64 |

Receipts and Expenditures from January 1, 1868, to November 5, 1868.

| | | RECEIPTS. | | Doll's. | C. | Doll's. | C. |
|----------|--------|---|---------|---------|----|---------|----|
| 1868. | | Balance cash on hand, | - - - - | | | 3,080 | 64 |
| Jan. 1 | | Received from U. S. Treasurer, | - - - - | 97,000 | | | |
| March 1 | | Received for sale of property, | - - - - | 589 | | | |
| April 10 | | Received of D. G. Curtis on account fine imposed by Military Commission, | - - - - | 300 | | | |
| May 1 | | Received from U. S. Treasurer, | - - - - | 87,701 | 55 | | |
| June 16 | | Received on account sale of property, | - - - - | 20 | | | |
| July 16 | | Received on account sale of property, | - - - - | 63 | 74 | | |
| Sept. 9 | | Total receipts, | - - - - | | | 185,674 | 29 |
| | | | | | | 188,754 | 93 |
| | | EXPENSES. | | | | | |
| | | Pay of civil employees, | - - - - | 104,072 | 12 | | |
| | | Transportation and mileage, | - - - - | 17,085 | 51 | | |
| | | Stationery and printing, | - - - - | 6,572 | | | |
| | | Postage and telegraphing, | - - - - | 3,659 | 28 | | |
| | | Office rent and furniture, | - - - - | 3,141 | 57 | | |
| | | Fuel and light, | - - - - | 224 | 12 | | |
| | | Forage, | - - - - | 634 | 73 | | |
| | | Wagon harness, &c., | - - - - | 122 | 08 | | |
| | | Military commission, | - - - - | 14,180 | | | |
| | | Printing press and material, | - - - - | 1,176 | 52 | | |
| | | Miscellaneous, | - - - - | 154 | 31 | | |
| | | Revenue tax to credit of U. S., | - - - - | 300 | 34 | | |
| | | Total expended, | - - - - | | | 151,322 | 58 |
| | | Balance Nov. 5th, | - - - - | | | 37,432 | 35 |
| 1868. | Nov. 5 | Balance on hand trans'd to Maj. J. W. Nicholls, | - - - - | | | 37,432 | 35 |

RECAPITULATION.

| | | Doll's. | C. | Doll's. | C. |
|-----------------|--|---------|----|------------|----|
| | Total amount received from May 21, 1867, to December 31, 1867, | 175,337 | 01 | | |
| | Total amount received from January 1, 1868, to November 5, 1868, | 185,674 | 29 | | |
| | Total receipts, | | | 361,011 | 30 |
| | Total amount expended from May 21, 1867, to December 31, 1867, | 172,256 | 37 | | |
| | Total amount expended from January 1, 1868, to November 5, 1868, | 151,322 | 58 | | |
| 1868. Nov. 5 | Total expended, | | | 323 578 95 | |
| | Balance on hand transferred to Maj. J. W. Nicholls, | | | 37,432 | 35 |

(Signed)

E. D. JUDD,

Paymaster U. S. A.,

Disbursing Officer Civil Fund.

A true copy:

R. C. DRUM, Assistant Adjutant General.

~~1867~~ The reports of the Chief Quartermaster, Chief Commissary and Medical Director, relating to the mere routine of their departments, are omitted.

A P P E N D I X.

The foregoing comprises the documents accompanying Major General Meade's annual report to the General-in-Chief; but that his position on questions arising during his administration, referred to incidentally in his report, may be more fully understood, the following documents and orders are published for the information of the reader.

[The question as to the eligibility of certain persons proposed as candidates for Governor of the State of Georgia, having been submitted to Major General Meade, the following letter was addressed by him to the General-in-Chief of the Army on that subject :]

HEADQUARTERS THIRD MILITARY DISTRICT,
(Department of Georgia, Florida, and Alabama.)

ATLANTA, GEORGIA, April 16, 1868.

General U. S. Grant, Commanding U. S. Army, Washington, D. C.

GENERAL:—The Georgia Convention, in its ordinance requiring the election of Federal and State officers on the same days as the election for ratification, provided as follows:

“And Major General Meade is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made, and certificates of election to issue by the proper officers.”

This duty of issuing certificates of election was one I should never voluntarily have assumed; but, unfortunately, my attention was not called to it till after the adjournment of the Convention, too late to have the ordinance modified, and have the returns sent either to the President of the Convention, as was the case in Alabama, or to a Board of Canvassers, as is provided in the ordinance of the Florida Convention. The objection to discharging this duty is that it impose, on me the necessity of enquiring into the qualifications and eligibility of those officers, who are not members of bodies competent themselves to adjust such questions, as, for instance, the Governor. On the third instant, a letter was handed to me by a committee of gentlemen, asking of me an expression of opinion on a given statement of facts, as to the eligibility of the Hon. D. Irwin, as a candidate for Governor, to which letter I replied, giving my opinion, and stating that if a person, with such a status, were elected, I should not feel myself authorized to permit him to take office. I considered that, in view of the duty imposed on me by the Convention, it was due to the voters of the State, if I had settled opinions and would be governed by them, that I ought not to decline making them public in advance of being required to act, though I now regret I did not assume this position and decline.

A copy of my letter in reply, and of the one of inquiry in the case of Judge Irwin, are herewith transmitted.

The consequence of this letter was the withdrawal of Judge Irwin, and the putting in nomination, by another party, of General Gordon, whose friends likewise addressed me a letter, enquiring as to his qualifications under the acts of Congress. Finding General Gordon had never held office before the rebellion, had never taken an oath to support the Constitution before entering the military service of the Confederate States, I concluded that he was not excluded by the 14th Article Constiti-

tutional Amendment, which, in my judgment then, and now, was the test of which qualifications for office holders was to be tested.

Correspondence in the case of General Gordon likewise transmitted.

Finding the publicity of the fact that I had to issue certificates of election and to decide on the eligibility of candidates, was involving me in letters from almost every candidate, I thought proper to issue an order, copy herewith transmitted, announcing the points of the Reconstruction acts bearing on the qualification for office, and stating what offices would be voted for. In preparing this order, I advised with the Acting Judge Advocate General of the Army, on duty at these Headquarters, whose clear judgment on such points has been of great assistance to me and on which I have principally depended since being here. Since the nomination of General Gordon, his eligibility under the Reconstruction laws has been impeached on the ground that, until the State is admitted to representation, all government is only provisional, and that no one can be elected or appointed to office under any provisional government unless they can take the test oath.

This point is very ingeniously argued by one opposed politically to General Gordon, as will be seen by reference to the enclosed extract from a paper published here. If this point is fairly raised, my opinion of April 4, and subsequent order, are both wrong; but I am not disposed to acquiesce in its correctness, and for the following reasons:—

First, I am of the opinion, from a careful perusal of the several Reconstruction acts, that the officers elected under the Constitutions framed in accordance with these acts, were not considered, or intended to be considered, as provisional governments, within the meaning of this term as used in section 9 of the act of March 2, 1867; nor are they to be considered "as elected under any so-called State authority," as referred to in section 9, act of July 19, 1867.

They are elected to office under the authority of the Reconstruction acts themselves, and are not entitled to hold office until all the steps required by said acts are fully complied with, and the only qualification for holding office, is the qualification required by the 14th Article Constitutional Amendment. This has been my opinion since first taking command, and so fully impressed was I with it, that prior to the Alabama election, I urged the postponement of the election of State and County officers, until after the adoption of the Constitution by Congress, on the ground that, until the State was restored to its proper relations, these offices had no existence, and did not require to be filled by election.

It is true those elected could be appointed by me, as officers of a Provisional Government, or as in the case of Alabama, where the Constitution failed of ratification, they could be legislated into office, as it is now proposed to do by bill in Congress; and this bill is, in my judgment, a vindication of the position I herein assume that the governments elected under the Constitutions submitted to Congress—said Constitutions are adopted and said governments go into operation are not Provisional, nor do they emanate from any so-called State authority, because this bill in legislating into office the persons elected, when the Constitution failed of

ratification, distinctly declares they are to be considered a Provisional Government and that the Reconstruction Laws are to continue in force until certain steps are taken. Now if all governments are Provisional till the States is represented, there was no occasion for reiterating this provision; the reiteration confirms me in the opinion it was made, because Congress designed the governments created by their acts to be considered permanent, and here being an exception, viz: a government created by Congress, but not in accordance with the Reconstruction Acts, Congress does what it did not do before—makes it provisional government and subject to the authority of the District Commander. Hence, I conclude that the officers to be elected in Georgia under the new Constitution if they are not put into office before the adoption of the Constitution by Congress and the adoption by the State of the 14th Article, are not officers elected under any so-called State authority, and not therefore required to take the oath prescribed in Sec. 9, Act July 19, 1867.

Now as the members of the Legislature will be called together either by myself or by the Provisional Governor, in order to adopt the 14th Article, this preliminary step may be considered as under a Provisional Government and the power of the members be considered as derived from my authority, and therefore by Sec. 9, July 19, 1867, these members may be required before they can complete this preliminary step to the admission of the State to take the oath prescribed in said section for appointees of the District Commander. In view of this contingency and in order to set myself right on the record, I issued Order No. 61, copy of which is herewith transmitted. Having thus given my reasons for the opinion as set forth, I desire to add *Secondly*, that this opinion has already been submitted to you and my views confirmed. You will remember that the ordinance of the Convention in Florida prescribed that the election for State and county officers should be held on the same day as the constitution was submitted to the people, and this Constitution enfranchised every citizen. This being before the recent act of Congress authorizing these elections to be held in advance of the adoption of the Constitution, I was in doubt as to the proper action to be pursued. If the position maintained by the writer in the New Era is correct that the government elected under the new Constitution and in pursuance of the Reconstruction Act is a Provisional Government, then none but registered voters could vote for the offices, hence I telegraphed you as follows on February 29, 1868:

General U. S. Grant, Washington, D. C.:

* * * * * Is this election of officers under the Constitution and only to take office on the adoption of the Constitution to be considered as an election for officers under the Provisional Government referred to in Sec. 6, of Act of March 2d, 1867, and are non-registered voters excluded by this section at first election held under the new Constitution?

To which I received your reply under date of March 2, 1868:

"The election proposed by the Convention for officers under the new Constitution, I do not consider as an election for officers under the Provisional Government referred to in Sec. 6, of Act of March 2, 1867."

(Signed) U. S. GRANT,
General.

Subsequently, Congress sustained us in our opinion by framing a bill authorising elections in advance of adoption of Constitution and as previous laws had defined the qualifications for voters, Congress to prohibit the *exclusion* of registered voters prescribes that at these elections registered voters may vote—Congress again doing an act inconsistent with the theory of the writer in the New Era, because if the persons elected at these elections were by previous acts members of Provisional Governments, why reiterate what previous laws required that only registered voters should vote.

You will thus perceive that the opinions given in the cases of Judge Irwin and General Gordon were predicated on the conviction that the 14th Article contained the only qualifications prescribed by the Reconstruction acts, and the correspondence of the 29th February by telegram, had settled me in the opinion that these Governments to be elected were not provisional, or to be considered as deriving their authority from any so-called State authority, and that this question, fortunately for me, had been raised in advance of its application to any individual or political consideration.

I have now given you a full statement of the manner in which I became involved in giving construction to the laws, and also the construction given, to which, unless overruled, I shall adhere. It is true, Congress can, at any moment, pass an amendatory or explanatory act, which shall require the test oath to be taken by persons elected under the new Constitution, but I should greatly regret such action for two reasons. *first*, that it would be considered as an additional condition, and imposed for special purposes; *secondly*, it will be very difficult to carry out, as I have already advised you at the time it was proposed to require a complete change in office holders. The question, however, is important, and should be settled. It evidently has never been understood in the light that is now attempted to be thrown on it, for, if it had, the members of the Constitutional Conventions should certainly have been required to take the test oath, and I am not aware that it was ever required of any of them. Elections are now coming off both in this State and Florida, and pending bill in Congress requires those elected recently in Alabama to be installed in office. The question is, are all these officers, under existing laws, required to take the test oath, those in Alabama being members of a Provisional Government, as declared by statute, I presume will be required, but I see no reason those in Georgia and Florida should be so required.

Very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE,
 Major General.

A true copy:

R. C. DRUM, Assistant Adjutant General.

HEADQUARTERS, THIRD MILITARY DISTRICT,

(Department of Georgia, Florida & Alabama,)

ATLANTA, GEORGIA, April 15, 1868.

GENERAL ORDERS }

No. 61. }

I. General Orders No. 52, issued from these Headquarters on the subject of eligibility to office, have reference only to the qualifications for holding office under the new constitution of this State, should it be ratified, and after the State should be admitted to representation in the Congress of the United States as provided for in the reconstruction acts.

II. The question having been submitted whether the members of the General Assembly of this State, to be elected next week, will be required, before entering upon their duties, to take what is commonly called "the test oath," the Commanding General is of opinion that, inasmuch as said General Assembly, should the constitution now submitted to the people of this State be ratified by them, and be approved by Congress, is required to convene and adopt the proposed amendment to the Constitution of the United States designated as "Article XIV," before the State can be admitted to representation in Congress; it may be decided that the members of said General Assembly are, while taking this preliminary action, officers of a provisional government and as such required, under the 9th section of the Act of Congress of July 19, 1867, to take "the test oath." That oath is as follows:

"I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

By order of Major General MEADE:

(Signed) R. C. DRUM,

Assistant Adjutant General.

In answer to the foregoing letter, the following telegram was received:

HEADQUARTERS WAR DEPARTMENT,

WASHINGTON, D. C., April 29, 1868.

Major General George G. Meade, Commanding Third Military District:

I have carefully read your letter of 16th April, and its enclosures.

I see nothing in them to change my opinion as expressed to you in my dispatch of March 2, 1868.

The officers elected under the new Constitution of Georgia, are not officers of the Provisional Government referred to in the Reconstruction Acts, nor are they officers elected under any so-called State authority, and are not therefore required to take the oath prescribed in section nine, Act of July 19, 1867. The eligibility to hold office must be determined by the new Constitution, and the Amendment to the Constitution of the United States, designated as Article Fourteen.

(Signed) U. S. GRANT,
General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

CORRESPONDENCE RELATIVE TO THE ORGANIZATION OF THE GEORGIA LEGISLATURE.

ATLANTA, GEORGIA, July 8, 1868.

Major General George G. Meade, Commanding Third Military District:

GENERAL:—A joint committee of the General Assembly waited upon me at ten o'clock this morning, and made official notification that the two Houses had perfected their organization by the election of officers, and now waited any communication that the authorities might desire to make: To which I replied—expressing gratification at the information thus conveyed—that I would communicate the facts to the Major General Commanding the Third Military District, and upon receiving his orders would communicate with the General Assembly.

It is proper for me to inform the General Commanding, that it is alleged that a number of the members of the General Assembly, who were declared elected, are not eligible to their seats under the Act of Congress of June 25, 1868, by reason of their having taken an official oath to support the Constitution of the United States, and afterwards giving aid and comfort to the enemies of the United States. It is also alleged that one or more of the officers elected by that body, are prohibited from holding office by the provisions of the same act.

I am not advised, that any action has been taken by either House, to ascertain the eligibility of its members or of its officers; indeed, I believe that no such action has been taken.

Very respectfully,
(Signed) RUFUS B. BULLOCK,
Provisional Governor.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 8, 1868.

To His Excellency R. B. Bullock, Provisional Governor of Georgia.

GOVERNOR:—I have to acknowledge the receipt of your letter of this date, advising me that you have been officially informed that the two Houses of the Legislature had perfected their organization, and were awaiting any communication you might have to make, and that accordingly you referred to me for instructions. In reply I beg leave to state that I have no instructions to give you, further than to make known that, in my judgment, neither House is organized legally until they have complied with the requisitions of the Reconstruction acts, and the act which became a law June 25, 1868, all of which prohibit any one holding an office under the State who is excluded by section 3 of the Amendment to the Constitution, known as Article 14. That this view is not a novel one with me, and does not arise from any consideration but my desire to execute the laws, will be clearly seen by reference to the accompanying General Order No. 52, of April 6, 1868, in which I announced to the people of Georgia and candidates for election, my views of the eligibility of candidates under the laws of Congress. It is not my purpose to dictate to the two Houses how or when they will apply this test to the several members. Ordinarily each House is undoubtedly the judge of the qualifications of its members, but in view of the fact that the Legislature, until the State is admitted by compliance with the requisitions of the acts of Congress, is only provisional, and subject to the authority of the District commander, and in view of the further fact that it is my duty, so long as military government exists, to see that the laws be faithfully executed, I feel constrained to say that I cannot recognize any act of the Legislature as valid, nor allow the same to be executed, until satisfactory evidence is produced that all persons excluded by the 14th Article are deprived of their seats or offices in both Houses. You have been furnished from these Headquarters, for transmission to the respective Houses, the documents in the cases of several members whose seats are contested on this ground, and there is, doubtless, other information upon the same subject. My only object now is, that you may communicate these views to both Houses, leaving to each to take such action as it may deem suitable and proper.

Very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE,

Major General, Commanding.

A true copy:

R. C. DRUM, Assistant Adjutant General.

ATLANTA, GEORGIA, July 17, 1868.

Major General George G. Meade, Commanding Third Military District, Atlanta, Georgia.

GENERAL:

I herewith transmit the resolution of the Senate and the reports of the majority and the minority of the Committee appointed by the Senate to investigate and report upon the eligibility of Senators and Officers under the Act of Congress of June 25th, 1868.

The minority report Senators John C. Richardson, B. R. McCutchin, Joshua Griffin, J. J. Collier, W. B. Jones, J. H. McWhorter, C. R. Moore, John Harris and E. D. Graham; and Officers E. Thorn and J. G. W. Mills, as ineligible.

Of these, Senators John C. Richardson, Joshua Griffin, W. B. Jones, J. H. McWhorter and John Harris, and Officer J. G. W. Mills have been relieved by Congress, thus leaving Senators B. R. McCutchin, J. J. Collier, C. R. Moore and E. D. Graham, and Officer E. Tho n, ineligible, and, in the opinion of the minority, not entitled to seats or office.

The report of the majority is in favor of the eligibility of all the Senators and Officers, and is herewith presented, with the evidence upon which the Committee base their report.

After carefully reviewing this evidence, the following endorsements are made, to which the attention of the Commanding General is respectfully invited :—

By the abstract of the examination of Senator Graham, of the Third District, he states that he served a year and a half, or two years, as *Postmaster*, but fails to remember whether or not he took an oath to support the Constitution of the United States. He afterwards participated in the Rebellion. By the laws of Congress, persons sixteen years of age and older, are allowed to qualify as Postmaster: and, in this capacity, are in the eye the law, "Officers of the United States."

Senator Moore, Twelfth District, by his own evidence, was Ordinary of Webster County, in this State, prior to the War; and as the Constitution and laws made it his duty to take an oath to support the Constitution of the United States, the presumption of law is, that he *did* take the oath, notwithstanding his failure to recollect the fact. His own statement further shows that he held this office before, and for three years during the war. He is therefore clearly ineligible.

The case of Senator McCutchin, of the Forty-fourth District, is this: He, prior to the war held an office, and took an oath to support the Constitution of the United States; and, during the war held an office under the State Government, "created by law for the administration of a general law of the State;" hence, having held an office under a State engaged in rebellion against the United States, he must necessarily have given "aid and comfort to the enemies thereof"—and therefore, under the third section of the XIV Article, and the sixth section of the Supplementary Acts of July 19th, 1867, he is clearly ineligible. That this view must have been taken of the matter by the Senator himself, is shown by the evidence of T. J. Job, who was Clerk of the Board of Registration in the Senator's District. The Senator, according to the testimony, came before the Board three times, and each time declined to register, because he did not think he could take the oath; but, within the fourteen days prior to the election, and *after he had been nominated as a candidate*, he *did* take the oath and was registered.

Senator Collier, of the Fourteenth District, by his own evidence, held an office and took an oath to support the Constitution of the United States previous to the war; but, in his own opinion, did not give aid or comfort to the enemies thereof; although, he aided his sons, who were engaged in rebellion. Further, he produces a pardon, of the President of the United States, which could not have been obtained without a previous admission upon the part of the Senator *that he had been engaged in rebellion* against the authority of the United States, or given aid and comfort to the enemies thereof. In the Supplementary Reconstruction Act of July 19th, 1867, section seven, executive pardon, or amnesty, is not allowed to invest the party receiving such pardon with the right to vote.

Senator Jones, of Thirteenth District, from the evidence presented, would be deemed ineligible; but I have official information in my possession, that he has been relieved of his disabilities by Congress.

Senator Holcomb, of the Thirty-ninth District, according to his own statement, did not hold any office previous to the war that, in his opinion, would make him ineligible under the law, although it has been represented to me that under the laws of South Carolina the officers of militia were executive officers, created by a law of that State, having charge of the patrol of the District and other executive duties for the "administration of general laws, and for the administration of Justice." Time has not been given to ascertain the truth of this representation, nor have the Committee made any investigation to that end, notwithstanding the fact that the Senator's seat has been contested upon this ground, by a A. W. Hunsard, who desires to prove the ineligibility of Senator Holcomb.

J. G. W. Mills, journalizing clerk, would, from the evidence presented, be clearly ineligible, but I have been officially informed that he has been relieved of his disabilities by Congress.

Ephriam Thorn, door-keeper, according to his own evidence, is, in my opinion, clearly ineligible under the law.

Senator John Harris, of the _____ District, from the evidence presented, would be clearly ineligible, but I have official information that his disabilities have been removed by Congress.

Under the third section of the Act of Congress of June 25th, 1868, permitting the assembling of the General Assembly of this State, all persons who would be ineligible to office, under the Constitutional Amendment, when adopted, are, by an express law of Congress, made ineligible in the organization of State Governments; and under the Reconstruction Acts of Congress, the General Commanding the Military District is, in this State, the sole executive officer of the laws of Congress, and is the only authority who can see that they are executed in case they are disregarded by the General Assembly.

I would therefore most respectfully submit, that, in my opinion, from the evidence presented, E. D. Graham, C. R. Moore, B. R. McCutchin and J. J. Collier are not eligible to seats as Senators; and that E. Thorn is not eligible as an officer of the Senate.

In the case of H. W. Holcomb, I would respectfully recommend that the Senate be requested to farther investigate his case. The decision of the Commanding General is respectfully solicited.

Very respectfully, your obedient servant,

(Signed) RUFUS B. BULLOCK,
Provisional Governor.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

Majority Report of the select Committee on the eligibility of members of the Senate of Georgia:

The select committee to whom was referred the message of his Excellency Provisional Governor Bullock, and accompanying documents, report that they have carefully examined the case of each Senator and officer of the Senate, as to their eligibility under section 3, Constitutional Amendment, Article 14, and find none ineligible, which is re-

spectfully submitted, together with an abstract of the evidence on which they acted.

July 17, 1868.

M. C. SMITH, *Chairman.*
 H. HICKS
 R. T. NESBITT }
 MILTON A. CANDLER }
 F. O. WELCH } *Committee.*

Adopted July 17, 1868.

A. E. MARSHALL, *Sec'y Senate.*

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

Minority report of the Committee on the eligibility of members of the Senate of Georgia:

ATLANTA, GEORGIA, July 17, 1868.

We whose names are hereunto annexed, a minority of your committee to whom was referred the examination into the eligibility of Senators and officers of the Senate, beg leave to offer the following report.

We find after careful examination of the testimony in the cases of Senator Collier, of the 14th District, and Senator Jones, of the 13th District, a barrier to their eligibility, in this that it is clearly proven that each held office before the war, taking the usual oath to support the Constitution of the United States, and afterwards gave aid voluntarily to the rebellion, it being in the minds of your committee thus clearly proven.

We respectfully refer Senators to the testimony upon which our conclusion are based for their own guidance in the premises, and beg to be relieved from further labor on this subject. All of which is respectfully submitted.

(Signed) JOSEPH ADKINS.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

The undersigned, one of the committee appointed to inquire into the eligibility of Senators and officers of the Senate as determined by the Third Section of the proposed amendment to the Constitution of the United States, known as article 14, reports that after careful investigation, he finds the following Senators and officers ineligible, to wit:

John C. Richardson, B. R. McCutchin, Joshua Griffin, J. J. Collier, W. B. Jones, J. H. McWhorter, C. R. Moore, John Harris, E. Thorn, J. G. W. Mills and E. D. Graham.

(Signed) E. J. HIGBEE

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

Resolution respecting action of Senate of Georgia, on eligibility of its members:

Resolved, That the action of the Senate on the reports of the committee on the eligibility of its members, together with the reports, and the testimony accompanying the reports, be communicated to

His Excellency, the Provisional Governor ; and through him to Major General Meade, informing His Excellency, that the Senate having investigated the eligibility of its members, ask His approval of their action, and if approved the Senate reports itself duly organized, and ready to proceed to business, and receive any communication His Excellency may be pleased to make.

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 18, 1868.

Hon. R. B. Bullock, Provisional Governor State of Georgia ;

GOVERNOR :—I have the honor to acknowledge the receipt of your letter of the 17th instant, transmitting the action and resolution of the Senate, on the eligibility of its members, under the Fourteenth Article Constitutional Amendment, and objecting to the same, on the ground of the admission of certain members, who, in the judgment of the minority of the Committee of Investigation and yourself, are ineligible.

In reply, I beg leave to state that the subject matter of your communication will be held by me for consideration, and that action thereon will be deferred, till I shall be officially advised of the course pursued by the House of Representatives upon the same subject.

Very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE,

Major General U. S. A., Commanding.

A true copy :

R. C. DRUM, *Assistant Adjutant General.*

OFFICE OF THE PROVISIONAL GOVERNOR OF GEORGIA,
ATLANTA, July 18, 1868.

Major General George G. Meade, Commanding Third Military District, Atlanta.

General :—At half past twelve o'clock to-day, a Committee from the House of Representatives, waited upon me, and made the following verbal report : "The House having taken into consideration the question of the eligibility of its members, referred to in the communication of the Major General commanding, and having made a careful investigation of each case presented, have decided by a vote of the House that all persons now in their seats are eligible." In the communication of the 8th instant from the Major General commanding, which was presented to the House, I find the following : "In my judgment, neither House is organized legally until they have complied with the requisitions of the Reconstruction acts, and the act which became a law June 25, 1868, all of which prohibit any one holding an office under a State, who is excluded by section three of the Constitutional Amendment, known as Article 14. * * * It is not my purpose to dictate to the two Houses how or when they will apply this test to the several members. Ordinarily, each House is undoubtedly the judge of the qualifications of its own members, but in view of the fact that the Legislature, until the State is admitted by compliance with the acts of Congress, is only provisional, and subject to the authority of the District commander, and in view of the further fact that it is my duty, so long as military government exists, to see that the laws be fully executed, I feel constrained to say that I can not recognize any act of the Legislature as valid, nor allow the same to be executed, until satisfactory evidence is produced that all persons

excluded by the 14th Article are deprived of their seats or offices in both Houses." The House has failed to furnish the report of its committee, and the evidence taken in relation to the eligibility of its members, and I am, therefore, unable to produce for the consideration of the commanding General "satisfactory evidence * * that all persons excluded by the 14th Article are deprived of their seats or offices in both Houses," and I therefore feel constrained to report the House has not complied with the suggestions of the Major General commanding.

Very respectfully,

(Signed) RUFUS B. BULLOCK,

Provisional Governor.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 20, 1868.

Hon. R. Bullock, Provisional Governor of Georgia:

GOVERNOR:—I have the honor to acknowledge the receipt of your letter of the 18th inst., advising me, that a committee of the House of Representatives had waited on you, and verbally informed you "that the House having made a careful investigation into the eligibility of its members, have decided by a vote of the House that all persons now in their seats are eligible."

I have already acknowledged the receipt of your letter of the 17th, reporting the action of the Senate on the same subject.

I have now to advise and instruct you, that each House having complied with the requisitions of my communication of the 18th instant, by examining into, and deciding on the eligibility of their members, under the Acts of Congress and the Fourteenth Article Constitutional Amendment, I have no further opposition to make to their proceeding to the business for which they were called together, as I consider them legally organized from the 18th instant,—the date of the action of the House.

Very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE,

A true copy: Major General U. S. A.

R. C. DRUM, *Assistant Adjutant General.*

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA, July 30, 1868.

Major General George G. Meade, Commanding:

GENERAL:—I am informed that an attempt is contemplated, by persons resident in the city of Augusta, to defy the authority of the civil officers, now acting as Mayor and Council of that city.

These officers were appointed by Military authority, to fill vacancies, and were recognized by the late Constitutional Convention, as the proper civil authority; and are to be recognized as such, until their successors are regularly elected and duly qualified, or until otherwise provided for by law.

In view of the information above referred to, I would respectfully request that the Commanding Officer of the Post of Augusta, be instructed to sustain the civil authority, when called upon.

Very respectfully,

(Signed) RUFUS B. BULLOCK,

Governor.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, August 1, 1868.

His Excellency, R. B. Bullock, Governor Georgia:

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, advising me that you anticipated difficulties in the city of Augusta, and requesting orders be sent to the Commanding Officer at that place, to aid and co-operate with the civil authorities. In reply, I regret that it is not in my power to give the orders requested by you, nor can I permit the forces under my command to be employed, except under the orders of the War Department; and should the power under your control, in your judgment be inadequate to preserve law and order, I would suggest your so reporting by telegraph, to the President of the United States, requesting I be instructed to use the military power for the preservation of the peace of the State.

In reference to the municipal authorities of Augusta being the appointees of the military, your attention is called to the enclosed General Orders by which you will see that the past acts of the military have now no force, but such as may be given to them by the Courts and Legislatures of the respective States; and I would suggest your urging action on the part of the Legislature, to confirm the power of such appointees as necessarily hold over and a'so such orders as it was deemed proper to issue, bearing on the rights of person and property.

I am sir, very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE,

Major General U. S. A., Commanding.

A true copy:

S. F. BARSTOW, *Acting Assistant Adjutant General.*

Circular Letters Relative to Military Interference in Civil Affairs, sent to Subordinate Commanders.

HEADQUARTERS, DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, August 25, 1868.

To Commanding Officer District of

[CIRCULAR LETTER:]

That there may be no misunderstanding on the part of District Commanders and their subordinates as to their duties, in the event of any disturbance in the civil government within the territorial limits of their commands, or as to the power of the military authorities under existing circumstances, the following correspondence is furnished for your information and guidance:

HEADQUARTERS THIRD MILITARY DISTRICT,
ATLANTA, GEORGIA, July 30, 1868.

General U. S. Grant, Washington, D. C.:

The Governor of Georgia, advises me there is reason to believe, the

municipal authorities of Augusta are about being resisted by a combination made for that purpose. These authorities, were the appointees of my predecessor, and it is probable the resistance anticipated, is on the ground that military authority having ceased, all agents drawing their power from the military are *functus officio*. The Governor calls on me to sustain the civil authorities if necessary. Instructions and advice is requested on the position the military power now occupies. In my judgment, I have no right to interfere or use the military forces under my command, except where so instructed to do from superior authority ; and that the Governor should report to Washington his inability to preserve order and enforce the law, before any orders are sent to me.

(Signed) GEORGE G. MEADE,
Maj. Gen. Commanding.

WAR DEPARTMENT,
WASHINGTON, D. C., July 31, 1868.

*Major General George G. Meade,
Commanding Third Military District,
Atlanta, Georgia :*

Your telegram to the General Commanding, requesting instructions and advice on the position the military power occupies in Georgia, has been submitted to the Secretary of War, and by him laid before the President and Cabinet.

Your views as to when and how the military forces under your command may be used, were approved of, and I am instructed by the Secretary of War, to say to you that he will prepare and send to you instructions for your guidance. Also that should any insurrection or riot break out before you receive them, to advise the Governor to telegraph to the President for the required authority to use the troops in quelling the same.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

WASHINGTON, D. C., August 20, 1868.

*Major General George G. Meade,
Commanding Third Military District,
Atlanta, Georgia :*

The subject matter of your dispatch is still under consideration. The answer however will probably be similar to instructions sent General Buchanan.

(Signed) JOHN A. RAWLINS,
Chief of Staff.

WAR DEPARTMENT,
WASHINGTON, D. C., August 22, 1868.

*Major General George G. Meade, Commanding Department of the South,
Atlanta, Georgia.*

The following instructions were sent to General Buchanan :

HEADQUARTERS OF THE ARMY,

Adjutant General's Office,

Washington, D. C., August 10, 1868.

Brevet Major General Robert C. Buchanan, U. S. Army, Commanding Department of Louisiana, New Orleans, Louisiana.

General: The following instructions from the Secretary of War are furnished for your government, to the end that the necessary aid may be rendered by the United States as promptly as possible in any case of insurrection or domestic violence in the States embraced in your Military Department. You will keep yourself informed of the condition of affairs in said States, and communicate promptly by telegraph to the War Department, through the Headquarters of the Army, any facts which may make it the duty of the President, under the Constitution and laws, to employ the military force of the United States.

You will also maintain such disposition of the troops under your command, that they may be ready to act without delay upon receipt of the President's orders. Stationing them at, or from time to time moving them to points, where you may have reason to apprehend a necessity for their use.

The following extracts from the Constitution and Laws of the United States, indicate the condition under which the military forces of the United States may be lawfully employed to suppress insurrection against the Government of any State:—

Article 4, Section 4, of the Constitution—"The United States shall guarantee to every State in this Union a Republican form of Government, and shall protect each of them against invasion, and on application of the Legislature or of the Executive, when the Legislature cannot be convened, against domestic violence."

Act of Congress, approved February 28, 1795, Section * * * *

"And in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States on application of the Legislature of such State or of the Executive, when the Legislature cannot be convened, to call forth such a number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection. And Section three (3) provided always and be it further enacted, that whenever it may be necessary, in the judgment of the President to use the military force hereby directed to be called forth, the President shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

Act of Congress approved March 3, 1807: Be it enacted, &c., that in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the Militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval forces of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

By command of General GRANT:

(Signed) JOHN A. RAWLINS,
Chief of Staff.

From the above you will perceive there is no authority for the interposition of the military forces under your command, and that when the interference of such authority is deemed necessary, application for its use must be made to these Headquarters. Should an exigency arise requiring instant action, and if it be impracticable for want of time to consult the views of the Commanding General, any action taken must be on the responsibility of the commander interfering; who, it is needless to say, will be held to a strict accountability for his action.

The "Freedman's Bureau" is now in the same relative position with the Military power, as any other Civil Bureau of the Government; application, therefore, for the use of troops in connection therewith, must be made to the Department Commander.

BY ORDER OF MAJOR GENERAL MEADE:

(Signed) R. C. DRUM,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, October 1, 1868.

To Commanding Officer.

The following correspondence is furnished for your information and guidance;

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, August 25, 1868.

Major General George G. Meade, U. S. Army, Commanding Department of the South, Atlanta, Georgia :

GENERAL:—In reply to your request for instructions relative to the use of the troops under your command in aid of the civil authorities, the Secretary of War directs to be furnished, for your information and government, the enclosed copies of a letter of instructions to Brevet Major General Buchanan, commanding Department of Louisiana, dated August 10, 1868, and of a letter from the Attorney General of the United States to Alexander M. Gruber, Esquire, United States Marshal Northern District of Florida, dated August 20, 1868.

The letter to General Buchanan indicates the conditions under which the military force of the United States may be employed to suppress insurrection against the government of any State, and prescribes the duties of the Department commander in reference thereto.

The letter of the Attorney General sets forth the conditions under which the Marshal and Sheriffs may command the assistance of the troops in their respective Districts or Counties to execute lawful precepts issued to them by competent authority.

The obligation of the military, (individual officers and soldiers,) in common with all citizens, to obey the summons of a Marshal or Sheriff, must be held subordinate to their paramount duty as members of a permanent military body. Hence the troops can act only in their proper organized capacity, under their own officers, and in obedience to the immediate orders of those officers. The officer commanding troops summoned to the aid of a Marshal or Sheriff, must also judge for himself, and upon his own official responsibility, whether the service required of him is lawful and necessary, and compatible with the proper discharge of his ordinary military duties, and must limit his action

absolutely to proper aid in execution of the lawful precept exhibited to him by the Marshal or Sheriff.

If time will permit, every demand from a civil officer for military aid, whether it be for the execution of civil process or to suppress insurrection, should be forwarded to the President, with all the material facts in the case, for his orders; and in all cases the highest commander whose orders can be given in time to meet the emergency, will alone assume the responsibility of action.

By a timely disposition of troops where there is reason to apprehend a necessity for their use, and by their passive interposition between hostile parties, danger of collision may be averted. Department commanders, and, in case of necessity, their subordinates, are expected in this regard to exercise, upon their own responsibility, a wise discretion to the end that, in any event, the peace may be preserved.

By command of General Grant:

(Signed) J. C. KELTON,

Assistant Adjutant General.

ATTORNEY GENERAL'S OFFICE.

20th August, 1868.

Alexander Magruder, Esquire, U. S. Marshal Northern District Florida, St. Augustine, Florida.

SIR:—Your letter of the 12th instant reached me yesterday, and has received an attentive consideration. Colonel Sprague's information to you must have been based upon his own construction of General Meade's order, lately issued, and not upon any special instructions from the President to Colonel Sprague through General Meade or otherwise, as no such special instructions have been issued by the President. You add, "Under some circumstances I should be glad to have the aid of the military, and, if practicable, would be pleased to have instructions given to the military to aid me when necessary. I ask this as Colonel Sprague informs me under his instructions he cannot do so." This desire and request for the "aid of the military" under certain circumstances, I understand to refer to the occasional necessity, which may arise, that a Marshal should have the means of obtaining the aid and attendance of a more considerable force than his regular deputies supply, for the execution of legal process in his District.

The 27th Section of the Judiciary Act of 1789, establishes the office of Marshal, and names among his duties and powers the following:—"And to execute throughout the District all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty, and appoint, as there may be occasion, one or more deputies." (1 St. p. 87.)

You will observe from this that the only measure of the assistance which you have power to command is its necessity for the execution of your duty, and upon your discreet judgment, under your official responsibility, the law reposes the determination of what force each particular necessity requires. This power of the Marshal is equivalent to that of a Sheriff, and, with either, embraces, as a resort in necessity, the whole power of the precinct (County or District) over which the officer's authority extends. In defining this power, Attorney General Cushing, and, as I understand the subject, correctly says "it comprises every person in the District or County above the age of fifteen years, whether civilians or not; and including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey the com-

mands of a Sheriff or Marshal." While, however, the law gives you this "power to command all necessary assistance," and the military within your District are not exempt from obligation to obey, in common with all the citizens, your summons in case of necessity, you will be particular to observe that this high and responsible authority is given to the Marshal only in aid of his duty "to execute throughout the District all lawful precepts directed to him, and issued under the authority of the United States, and only in case of *necessity* for this extraordinary aid. The military persons obeying this summons of the Marshal, will act in subordination and obedience to the civil officer, the Marshal, in whose aid in the execution of process they are called, and only to the effect of securing its execution.

This special duty and authority in the execution of process issued to you, must not be confounded with the duty and authority of suppressing disorder and preserving the peace, which, under our Government, belongs to the civil authorities of the State, and not to the civil authorities of the United States. Nor is this special duty and authority of the Marshal in executing process issued to him, to be confounded with the authority and duty of the President of the United States, in the specific cases of the Constitution and under the regulations of the Statutes, to protect the States against domestic violence, or with the authority and duty, under special Statutes, to employ military force in subduing combinations in resistance to the laws of the United States, for neither of these duties or authorities is shared by the subordinate officers of the Government, except when and as the same may be specifically communicated to them by the President.

I have thus called your attention to the general considerations bearing upon the subject to which your letter refers, for the purpose of securing a due observance of the limits of your duty and authority in connection therewith. Nothing can be less in accordance with the nature of our government, or the disposition of our people, than a frequent or ready resort to military aid in execution of the duties confided to civil officers.

Courage, vigor, and intrepidity are appropriate qualities for the civil service which Marshals of the United States are expected to perform, and a re enforcement of their power by extraordinary means is permitted by the law only in extraordinary emergencies.

If it shall be thought that any occasion, at any time, exists for instructions to the military authorities of the United States, within any of the States, in connection with the execution of process of the courts of the United States, these instructions will be in accordance with the exigency then appearing.

I am, sir, very respectfully, your obedient servant,
 (Signed) WILLIAM M. EVARTS,
Attorney General.

ADJUTANT GENERAL'S OFFICE, August 26, 1868.

Official copy:

(Signed) J. C. KELTON, *Assistant Adjutant General.*

BY ORDER OF MAJOR GENERAL MEADE:

(Signed) R. C. DRUM,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Atlanta, Georgia, November 23, 1868.

[Circular Letter.]

To

SIR:—The following correspondence is respectfully furnished for your information:

WAR DEPARTMENT,

Adjt. Genl.'s Office, Washington, Nov. 12th, 1868.

*Major General George G. Meade, Commanding Department
of the South, Atlanta, Georgia.*

SIR:—I have the honor to inform you that the views expressed in your endorsement of the 31st ultimo, returning to the Commanding Officer District of South Carolina, papers relative to the construction of General Orders No. 27, from Headquarters Department of the South, as regards furnishing details of troops upon summons from the Sheriff of a county, or intendant of a town, have been concurred in by the Secretary of War.

Very respectfully, your obedient servant,
(Signed) E. D. TOWNSEND, Asst. Adj't. Genl.

Endorsement dated October 31st, 1868, on a letter from Brevet Brigadier General J. V. Bomford, U. S. Army, Commanding District South Carolina, dated Columbia, South Carolina, October 23d, 1868, enclosing letter from Brevet Major J. J. VanHorn, dated October 21st, 1868, requesting information as to construction of General Orders No. 27, "as regards furnishing a detail from my command upon a summons from the Sheriff of the county or Intendant of the town, for the arrest of single persons."

"Respectfully returned to Brevet Brigadier General J. V. Bomford, U. S. Army, commanding District of South Carolina. The case is too indefinitely stated for any specific instructions. It was not designed by General Orders No. 27 to relieve Sheriffs from such duties as would be imposed on them were no military force present; and the Sheriff is authorized to call on the military only when he has exhausted all other resources, or when he meets with resistance in the attempt to enforce process. It was not intended nor will it be permitted the Sheriff to rely on, and only on, the military for his purposes. Not only would such a course be contrary to law, but would tend to relieve citizens from doing the duty which the law imposes on them. Besides, the troops are not permanently stationed where they are at present, and such reliance by Sheriffs would be merely temporary. When a distinct case, with names of parties, action of Sheriff, evidence of his inability to execute process, or of resistance offered is presented, the Commanding General will give special instructions in the case. Until then, officers will be governed by instructions from the War Department and General Orders No. 27."

Very respectfully, your obedient servant,

(Signed) R. C. DRUM, Assistant Adjutant General.

A true copy:

R. C. DRUM, Assistant Adjutant General.

REPORT ON CAMILLA DIFFICULTY.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, October 3, 1868.

General U. S. Grant, Commanding U. S. Army, Washington, D. C.:

SIR:—You have been apprised, that on receiving intelligence of the disorders occurring in this State on the 19th instant, at Camilla, in Mitchell county, that I at once had troops in readiness, to meet any call of the civil authorities, such as are referred to in the letter of instructions from the General-in-Chief of date August 25, 1868, and that at the same time, I dispatched Captain Mills, a most reliable and intelligent officer on whose cool sound judgment and freedom from any prejudice or party bias I could depend, to investigate thoroughly and report the facts in the case.

The affair passing off with the riot or rather collision of the 19th instant, and no call having been made on me, the Legislature, (as I think properly) declining the request of the Governor to authorize him to make the call, no troops were sent. The report of Captain Mills was yesterday received, and after its perusal I deemed the only thing for me to do, was to transmit it to the Governor of the State, the officer with whom I am required to communicate and to assure him, that in any measures that might be taken by the civil authorities in the investigation of the affair and punishment of derelict civil officers or citizens, that in case he met with resistance, or he or they found themselves unable to execute the laws I was prepared on being so informed to aid and co-operate with him to the fullest extent of the force under my command.

My letter to the Governor, the report and accompanying documents of Captain Mills, are herewith forwarded by the hands of Captain C. McKibbin, U. S. Army, and I should be pleased to receive any comments thereon, which yourself, the Honorable Secretary of War, or the President may please to make.

I deem it proper to add, that in a few days I shall distribute the troops in the Department, with a view of "aiding the civil authorities to keep the peace" during the approaching Presidential election.

Very respectfully, your obedient servant,

(Signed) GEORGE G. MEADE;
Major General

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
ATLANTA, GA., October 3, 1868.

To His Excellency. R. B. Bullock, Governor of Georgia.

GOVERNOR:—Enclosed you will find a printed copy of the instructions sent to me from the General-in-Chief, for my guidance in determining when and how the forces under my command may be used to "preserve the peace."* You will perceive they require not only that the call must be made

* See Circular Letters of August 25 and October 1, 1868.

by some Marshal or Sheriff, but that this call must be made in accordance with law, and that the application, with the facts in the case, should be sent, if practicable, to the President of the United States for his orders, before action is taken, and action can only be taken by any subordinate officer on an emergency justifying him, for which he will be held to a strict accountability.

The laws referred to in these letters of instruction having been enacted at periods when the present anomalous condition of affairs, at this time existing in the several States of this Military Department, was never anticipated. They do not provide that prompt and summary action which, in cases of riot and unpremeditated disorder, is so necessary for its immediate suppression, and they throw directly and entirely on the Marshal or Sheriff the duty of initiating the process by which military aid can be given to "preserve the peace." As much latitude may be given to this expression, "preserving the peace," and to guard against unnecessary or improper and illegal use of the United States troops, subordinate officers are enjoined in all cases to obtain, if practicable, from their superiors the authority to act when called on. These remarks are made to explain to you my course in the recent occurrence at Camilla, in this State. The moment I received intelligence of the difficulty, I directed troops to be held in readiness to meet any legal calls from the properly constituted authorities, and I, at the same time, dispatched an intelligent and reliable officer, in whose judgment I had implicit confidence, to make an investigation, and report to me the facts obtained. The report of that officer, Captain William Mills, 16th Infantry, with accompanying affidavits, is herewith forwarded for your consideration, and such action as you may deem proper; making the following remarks, which may be deemed pertinent in view of the delicate duty devolving on me, and my future action in similar cases:—

1. I consider the conduct of Messrs. Pierce and Murphy in the highest degree reprehensible, if not subjecting them to an action at law, whilst I waive the question as to whether your proclamation referred to such assemblages as met together at Camilla. Whilst I acknowledge the Constitutional right of every citizen to bear arms for a peaceable purpose, I must insist that when a civil officer, charged with the preservation of the peace, commands or requests citizens to put away arms on the ground that unless they do so, he cannot protect them, that it is the duty of every good citizen to yield to the mandate of the law officer, whether that officer be acting from right or wrong motives, or whether his action is strictly and technically legal or not; for it is evident that in the existing condition of the public mind, if individual citizens are determined to put *their* construction on laws and maintain them by force of arms, that collision, riot and bloodshed are inevitable. Therefore, in my judgment, it was the duty of Messrs. Pierce and Murphy, as the principal parties, to have counselled and urged compliance with the mandate of the Sheriff, and held him responsible afterwards for any assumed authority he may have exercised. The strongest evidence of this is to be found in the report of Captain Mills, in which he states that after the riot commenced, it ended in a

few minutes, by the fleeing of the negroes, who composed the mass of the meeting, showing their arms were utterly useless, and might just as well have been left, for all the ability it gave them to maintain their Constitutional rights.

II. The conduct of the Sheriff, in returning to Camilla and organizing a *posse* to meet a riot he seemed determined to believe would occur, would seem to indicate he had more knowledge of an intention to break the peace on the part of the *citizens* of the town than those holding the meeting, and that his conduct was such, as to subject him to the grave suspicion, that, under the guise of the law, and his duty, he was a party to the wanton and unnecessary destruction of life which subsequently ensued. For there is no evidence that after all resistance was over, and the negroes were flying in terror, that the Sheriff made any effort to control his *posse*, and prevent them from continuing till night fall and for miles from town, wounding and killing the fugitives. This is a grave and serious charge—almost too terrible to believe—and I should be most glad to resist the conclusions which have forced me to believing it, but there is so much *prima-facie* evidence as not only to warrant but to demand—that such legal action, as the code of the State authorises, should be immediately taken, and an investigation according to the forms of law be had, and all guilty parties, whether sheriff, coroner or citizens, should be either acquitted, or if found guilty, punished with the severest penalties the Statutes admit. And now I come to the material part of this communication. There were no troops at Camilla, not only because no necessity for their use was anticipated, but because the place is one so remote and obscure, that had I have been distributing troops, they would never have been sent nearer than Albany, some thirty miles distant; but supposing troops had been present, you can readily perceive how embarrassing would be the duty of the officer in command, unless he was better posted up in local matters than it is reasonable to believe he would be; for in this case, the testimony would seem to point to the civil officer, whom he is instructed to obey, as the very one who is apparently most guilty. I refer to this because I am repeatedly applied to scatter and distribute the troops, to which I have replied, that I have not the force to occupy every village in the State, that the conditions under which the troops can act, requires the soundest discretion and good judgment, which all subordinate officers do not possess, and that I deem it better to hold the troops ready in masses, to intervene in large bodies when the proper time comes; and if the riot at Camilla had continued, or had been followed by retaliation on the part of the colored population, I would at once have sent sufficient troops to have restored order. And I beg now to say to you, that if in taking the action to investigate this matter and punish the guilty therein, if you report to me any difficulty in executing the decrees of Courts, or in serving the processes of the sheriffs and others, I am prepared to sustain the law officers of the State to the fullest extent of the military power under my command. I have no authority to act independent of the civil authorities, and the laws must be adhered to wherever they are defined; but if in executing these laws, you or your sub-

ordinate officers meet with resistence more than you can overcome, I am prepared, on being so advised, to use all my power to sustain you. Perhaps the announcement of this fact may remove some delusions, and have the effect to prevent in future, occurrences like the one at Camilla—an affair I trust there will be no delay in investigating, and punishing the guilty, and to aid the action of any officer charged with this investigation, is the object of sending to you Captain Mill's report and accompanying documents,

Very respectfully, your obedient servant.

(Signed) GEORGE G. MEADE,
Major General U. S. A.

A true copy:

R. C. DRUM, Assistant Adjutant General.

MC PHERSON BARRACKS, ATLANTA, GEORGIA, September 29, 1868.
*Brevet Brigadier General R. C. Drum, Assistant Adjutant General,
Department of the South, Atlanta, Georgia:*

GENERAL: I have the honor to report that in compliance with paragraph VII of Special Orders No. 44, current series from Headquarters Department of the South, I proceeded to Camilla, Mitchell county, Georgia, on the 23d instant to investigate the occurrences at that place on the 19th instant. I respectfully report as follows:

A few days previous to the 19th instant, notices were circulated in Dougherty and Mitchell counties that a Republican meeting would be held at Camilla, Georgia, on that day, and that W. P. Pierce, a candidate for Congress for that district, John Murphy, candidate as elector for the district, T. F. Putney and others would address the meeting; that pursuant to that notice, a number of colored people from the plantations between Albany, Georgia, and the neighborhood of Camilla, proceeded in a body to that place, accompanied by musicians in a wagon. This crowd numbered from two to three hundred colored people, about one half of whom may have carried fire-arms of different descriptions; that when within from two to three miles of Camilla, they were met by M. S. Poore, the Sheriff of Mitchell county, accompanied by four or five citizens of Camilla, who protested against their entering the town with arms, claiming that in accordance with a late proclamation of the Governor, he was empowered to demand that they do not enter the town with arms. This demand of the Sheriff was replied to by Messrs. Pierce and Murphy in behalf of the crowd, by their stating that they were not an organized body and in no way under the control of any one leader; that the persons with arms carried them of their own accord, and assured the Sheriff and citizens of Camilla with him, that they were going to Camilla for the purpose of attending a political meeting, and that their intentions were peaceable, and without intent to disturb the peace of the place. I would respectfully call your attention to the enclosed affidavits of W. P. Pierce, John Murphy, T. F. Putney and M. S. Poore, Sheriff of Mitchell county, for a full understanding of what took place between the Sheriff and the freedmen at this time.

From the affidavit it will be seen that he considered the attitude of the

crowd approaching the town of such a character as to induce him to return to town and prepare the citizens against attack by directing them as a possee to have their arms ready in case he should call upon them to assist him in preserving the peace.

I have been unable to obtain any evidence that these colored people going to Camilla on that day were either instructed or advised by any one to carry arms with them, either for purposes of defense or violence, or that they seriously expected interruption in holding their meeting, although from some of the enclosed affidavits it is alleged that one James Johns, a white citizen of Camilla, had frequently said that no Republican meeting should be held in Camilla, and that on this day, this man Johns, armed with a gun, met the crowd some three miles from town and told them that they should have no meeting or speaking at Camilla, and that if they come into town they would be hurt. Upon the crowd entering the town en route to the Court House, they are met by this man Johns, who is intoxicated and armed with a gun; he is boisterous and angry in his manner, and orders the musicians in the wagon to cease playing; his orders are not obeyed. In some of the enclosed affidavits it is stated that he then fired his gun at the people in the wagon; by others, that his gun was discharged accidentally and not in the direction of the wagon. However, this may be, the result of the discharge of this man's gun, was immediate fire from both colored people and citizens of the place. It is admitted by all persons that this man's gun was the first one fired; that it was discharged without provocation. In conversation with citizens of Camilla, this man Johns was described to me as a drunken and dangerous man and frequently in difficulties, and one whose acts they deprecated, and that on that day he was intoxicated. Under these circumstances it can not but be considered neglectful on the part of the Sheriff in not seeing that this man Johns was kept out of the way on that day, particularly as he was drunk, and as he, the Sheriff, appears to have apprehended so much trouble from the approaching crowd and the excitement existing among the citizens of the place.

For a full understanding of the occurrences from the time the Sheriff met the crowd advancing on the road to town until the firing commenced and its results, I respectfully call attention to the enclosed affidavits of both citizens of Camilla and persons who went there to attend the meeting. As far as it was possible to learn the casualties on that day, were as follows: 9 killed, colored; from 25 to 30 wounded, colored, several slightly; 6 citizens of Camilla, white, wounded, none severely.

From the enclosed statement of parties present, it will be seen that the firing in town did not continue many minutes, but that the colored people fled to the adjoining woods, and that they were pursued by the citizens as a possee of the Sheriff, some of them mounted and some on foot, and that firing of guns was heard through the woods during the balance of the day. The Sheriff in his affidavit states that three colored men were killed one mile from the town.

I have been unable to find any proof that the colored people who went that day to Camilla were advised by any of the white men who accom-

panied them, and who were to address them, either to go armed for defense or violence, but that on the contrary the enclosed affidavits show that Messrs. Pierce, Murphy and Putney all advised and impressed upon them that they should be peaceable and law-abiding in all their acts, as they were meeting at this place, Camilla, in the exercise of their rights as citizens of the United States.

That the citizens of the town of Albany were in any way implicated or connected with the occurrence at Camilla on the 19th instant, is in no way proven. It is explained in the affidavit of the Sheriff of Mitchell county that notice of some colored people having left Albany on the evening of the 18th instant for Camilla, was received by him through a person living in the adjoining town of Newton. This is in no way denied, as by reference to the affidavit of Peter Hines, the leader of the band, it will be seen that the musicians with other freedmen, left Albany on the evening of the 18th inst. I herewith transmit the proceedings of the citizens of Albany, Georgia, held on the 21st inst., and would state that information was freely tendered me by all parties. I was accompanied by Brevet Major O. H. Howard, sub-Assistant Commissioner Bureau Refugees, Freedmen and Abandoned Lands, from Albany, Georgia, to Camilla, Georgia, and from what I could learn, the colored people and whites were peaceably disposed towards each other.

In my investigation of this matter I was materially assisted by Major Howard, and upon my arrival at Camilla, the citizens of that place appeared desirous that the occurrence on the 19th instant should be investigated. Up to the date of my visit there, no action had been taken in this matter by the civil authorities of the county, nor had any inquest been held over the bodies of those killed.

Very respectfully, your obedient servant,

(Signed) WM. MILLS,
Captain 16th Infantry.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

Reporting Condition of Affairs in North and South Carolina.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, October 17, 1868.

Brevet Major General John A. Rawlins, Chief of Staff, Headquarters of the Army, Washington, D. C.:

GENERAL:—I transmit herewith several communications from the Governor of South Carolina, and one from the Governor of North

Carolina in relation to the use of troops, in sustaining the civil governments in these States. Similar communications, both verbal and written, have been presented by the Governor's of Georgia, Alabama and Florida. The sum and substance of all these communications are, that the present state governments in these states, are powerless, and without the support of the military forces of the United States, are unable to exercise their functions or execute the laws. The endorsements on the enclosed communications, as well as my correspondence with Major General Miles, commanding in North Carolina, (1&2) forwarded in my letter to the Adjutant General of the Army, of date the 9th instant, will fully explain my position on these questions. In brief I have informed the several Governors, that I can find nothing in existing laws or the instructions sent for my guidance, which will justify my answering their call, which really means, that I should assume the government of the several states, employing the civil officers backed by military power; that my sole and exclusive duty is to preserve the peace, and that only, after it is evident the civil power is unable so to do, and calls on me in the manner prescribed by existing laws; that whenever the civil authorities, in their attempts to execute the laws, meet with resistance greater than they can overcome, and appeal through the proper channels to me, I will see they are sustained.

Recently, I have visited Columbia, S. C., and had a very full interview with Governor Scott of that State. From the representations of Governor Scott, I became satisfied there is practically, *no government* in South Carolina, that what with those officers who from want of sympathy with the State government and its origin, *refuse* to act, and those who though in full sympathy with the party in power *are afraid* to act, there is in reality, no government at all. I informed Governor Scott, as I had informed others, that I did not see any remedy for the evil, short of congressional action, that until some of his officers had the courage to attempt to do their duty and met with resistance, it was not in my power to take action. Before seeing the Governor, I had previously ordered a distribution of the troops in the state, with a view of preserving the peace on the day of the Presidential election, and I furnished him with a copy of my General Order No. 27, which would shew him all I felt authorized to do. As to the introduction of arms, of which so much complaint is made, I referred him to my endorsement to Bvt. Brigadier General Bomford. (3)

Whilst in Columbia, I had interviews with several prominent men of the Democratic party, who acknowledged the whites in the state were arming, but disavowed any intention of resisting either the State or General Government; but said the arms were to defend their homes and families, in case of a negro insurrection which they deemed imminent from the incendiary appeals made to the negroes by political and partisan agents.

It was impossible to form any correct judgment from the very opposite statements made by each party. It was evident there was a high state of political animosity and an averred fear on each side that the other was about to initiate a resort to force, but I have reason to believe my General Order No. 27, together with the distribution of troops, and the expressed determination on my part to intervene to preserve the peace, may have the effect of quieting some of the apprehensions of both parties.

The object of this communication is to report the existing condition of affairs, my action on the appeals made to me and my views of the situation, to ask for the approval or disapproval of superior authority, and to state that if there is any serious determination, to resist, or overthrow the present state governments, or if I am expected to give them the aid and support, without which they seem to be unable to stand, that my present force is entirely inadequate to the duties I will be called on to discharge. I do not myself believe there will be any open resistance to the State Government, and most certainly none to the General Government; but I have no doubt that every effort will be and is being made, within what is considered the strict letter of the law, to paralyse and render impotent the several State Governments, and that in states like South Carolina, where the intelligent and active population, the whites, are almost unanimous against the government, it will be impracticable to maintain the same without military aid from the general government.

Should the General-in-Chief not have returned to Washington on receipt of this letter, I beg the same may be laid before the Honorable Secretary of War.

Very respectfully, your obedient servant,
 (Signed) GEORGE G. MEADE,
Major General U. S. A.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

[1]

HEADQUARTERS DEPARTMENT OF THE SOUTH,
 ATLANTA, GEORGIA, September 29, 1868.

Brevet Major General N. A. Miles, Commanding District of North Carolina, Raleigh, N. C.:

GENERAL:—I have the honor to acknowledge the receipt of your letter of the 25th instant, enclosing the affidavit of a citizen, affirming there are a large number of arms secreted at a political club-room, at Wilmington, N. C., and requesting authority to seize them.

The Commanding General sees nothing in your letter to change his decision sent you by telegraph on the 26th instant, a copy of which is herewith enclosed. There is no evidence to show these arms are to be used for improper purposes, nor is there any that the civil authorities, now charged with the preservation of order, have made any effort to ascertain whether these arms are being collected for improper purposes, or if so, to seize them; nor is their evidence of any failure on the part of the civil government to accomplish this, or any call on the military for aid in consequence of such failure.

The General thinks you do not properly conceive the position now occupied by the military power, and invites your attention to the circular letter of August 25th last, and the copies of papers furnished you on the 15th instant, containing the instructions of the War Department and the opinion of the Attorney General of the United States, on the exercise of civil and military power.

The General does not see the application of section six (6) of the Act of March 2, 1867, to the case in point, as the act refers to organized militia. In his opinion, the proper course to pursue is, if the

storing of these arms is judged to be a violation of any United States law, to submit the evidence to the United States District Attorney, who should proceed to seize them according to law. If they are adjudged as violating any State or municipal statute, then the proper prosecuting officer should take action. Whenever such action is taken, and said officer is resisted and reports his inability to carry out either the United States or State law, then, and not till then, will the Commanding General consider himself justified in interfering.

Very respectfully, your obedient servant,

(Signed) R. C. DRUM, *Assistant Adjutant General.*

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

[2]

HEADQUARTERS, DEPARTMENT OF THE SOUTH,
ATLANTA, GEORGIA, September 26, 1868.

Major General N. A. Miles, U. S. A., Raleigh, N. C.:

The commanding General directs that you report the fact stated in your telegram, of this date, to the proper civil authorities, and see what action they take in the matter.

(Signed) R. C. DRUM,
Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

[3]

Endorsement on a communication representing that armed organizations exist in the State of South Carolina, forwarded, endorsed, by Brevet Brigadier General J. V. Bomford, commanding District of South Carolina.

"Respectfully returned to Brevet Brigadier General J. V. Bomford, U. S. A., commanding District of South Carolina. As presented, this case is not one that the Commanding General can take action on. There is no evidence showing that the arms are held by the parties referred to for unlawful purposes, nor that the civil authorities have taken any action to ascertain and determine this fact; and, if held for improper purposes, to seize them, or any evidence that the attempted seizure has failed. The Governor should be clearly informed of the position now occupied by the military power, which is set forth in the Circular Letter of August 25th last, and the instructions of the War Department, and the opinion of the Attorney General on the power of the civil and the military, furnished on the fifteenth of September. In the General's opinion the proper course to pursue, is, that if the alleged organization is judged to be a violation of the National law, the evidence in the case should be sent to the United States District Attorney, who should take the necessary legal steps to disarm them. If it is adjudged as violating the State, or municipal law, then the proper prosecuting officer should take action. Whenever such action is taken, and the

proper officer is resisted, and reports his inability to carry out either the United States or State law, then, and not till then, will the Commanding General feel justified in interfering.

By Order of Major General MEADE:

(Signed) R. C. DRUM,

Assistant Adjutant General.

A true copy:

R. C. DRUM, *Assistant Adjutant General.*

The following are the General Orders issued during
the year relative to Civil Affairs in the
Third Military District.

HEADQUARTERS, THIRD MILITARY DISTRICT,
(Department of Georgia, Florida & Alabama,) }

Atlanta, Georgia, January 10, 1868.

General Orders }
No. 6. }

I. *Whereas*, The Constitutional Convention of the State of Alabama, recently in session at Montgomery, in that State, adopted the following ordinance:

"An ordinance to stay collection of Debts.

Be it Ordained by the people of Alabama in Convention Assembled, That when any writ of execution, *venditioni exponus*, or other legal process, requiring the sale of property, shall be, or has been issued from any court of this State, it is made the duty of the officer to whom delivered for collection, to return the said writ or other process to the proper court, with his endorsement thereon, 'Returned by operation of Law,' dated and signed by him. This ordinance to remain in full force until the 1st day of January, 1869; Provided, This ordinance shall not apply to judgments in favor of laborers and mechanics for services rendered since July 21, 1865."

And *Whereas*, the passage of this ordinance which was intended to afford relief to debtors in that State has, on the contrary, caused increased distress to them by occasioning very numerous attempts to evade its provisions by forcing sales under execution in the interval between the time of its passage and of its taking effect; and *whereas*, such sales, in the present unsettled condition of affairs in the State of Alabama, and in consequence of the low price of cotton, result in such sacrifices of property as are ruinous to debtors and of but little benefit to creditors; and *whereas*, the people of that State have no method of enforcing their will, as expressed in said ordinance, until after the ratification of the constitution framed by said convention which has been submitted to them for their ratification or rejection on the 4th day of February next.

II. Therefore, by virtue of the plenary powers invested by the reconstruction acts of Congress in the Commanding General of the Third Military District, and for the temporary relief of the people of the State of Alabama;

• *It is ordered*: That said ordinance shall from this date be deemed to have taken effect in said State and shall continue in full force and validity, until the result of said election on the ratification of said constitution shall have been ascertained and published from these Headquarters; the force of this order then to cease should said constitution be rejected. But should said constitution be adopted by the people, this order shall continue in force until such constitution shall have been

submitted to Congress for examination and approval as provided for in said reconstruction acts, and until Congress shall have approved or rejected said Constitution.

III. It is further directed that this order be respected and obeyed by the several civil officers, judicial and otherwise in the State of Alabama.

By order of Major General MEADE:

(Signed) R. C. DRUM, Assistant Adjutant General.

(Orders, of a similar character, were issued for the States of Georgia & Florida.)

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida and Alabama.)

Atlanta, Georgia, January 15, 1868.

General Orders, }
No. 10. }

The frequency of reported outrages, and the accompanying expression of opinion of subordinate officers, that no justice is to be expected from the civil authorities, require notice and action on the part of the Major General Commanding.

I. The Commanding General desires it to be understood that the trial and punishment of criminals is to be left to the civil authorities, so long as the said authorities are energetic, active, and do justice to the rights of person and property without distinction of race or color. Whenever the Major General Commanding is satisfied from evidence produced that the civil authorities fail to do their duty then prompt action will be taken by him both for the punishment of criminals and the removal from office of derelict civil officers.

II. The military are to co-operate with, and aid the civil authorities in the detection, capture, and custody of criminals, and they are further authorized in cases where they have reason to believe the civil authorities are not disposed to do their duty, to retain criminals in custody until the fact becomes evident whether the civil authorities will, or will not perform their duty—immediately reporting their action on all such cases to these Headquarters.

III.—Writs of *habeas corpus* issued against criminals in the custody of the military will be obeyed so far as to produce the body of the prisoner in court, and the making of a respectful return setting forth the grounds and authority by which the prisoner is held—should the court fail to respect the authority under which the prisoner is held—the custody of the criminal will not be transferred to the court without a reference to these Headquarters.

IV. The Major General desires to impress on the officers under his command the exercise of a sound discretion and good judgment. It is his determination to afford the civil authorities every opportunity to discharge their duties untrammelled by any action on the part of the military, but such as they, the civil authorities, may invite and desire. He

makes this public notice to the civil authorities that they may be governed thereby—assuring them they shall be respected in the exercise of their powers so long as impartial justice is meted out to all; but the Commanding General is determined to exercise to the fullest extent the plenary powers with which he is entrusted to secure protection of persons and property in the District he commands.

By order of Major General MEADE:

(Signed) R. C. DRUM, *Assistant Adjutant General.*

HEADQUARTERS THIRD MILITARY DISTRICT,
(*Department of Georgia, Florida and Alabama.*)

Atlanta, Georgia, February 2, 1868.

General Orders
No. 22.

Numerous applications having been made to the Major General Commanding, relative to the provisions and the execution of General Orders No. 49, series of 1867, from these Headquarters, and being satisfied from reports and representations that, in some instances, the operations of the order have proved embarrassing and of an effect not designed when it was issued—the intention having been to prevent by prompt and energetic action the use of official patronage to obstruct, hinder and delay reconstruction under the Acts of Congress—he therefore directs that the aforesaid order be modified to read as follows:

I.—The giving of all advertisements and other official publications heretofore or hereafter to be provided for by State or municipal laws or ordinances, by the civil officers whose duty it is to cause such publications to be made, is prohibited, to such newspapers and such only, as attempt to obstruct in any manner the civil officers appointed by the military officers in this District in the discharge of their duties by threats of violence, of prosecution or other penalty as soon as the military protection is withdrawn for acts performed in their official capacity.

II.—If in any of the counties in either of the States in this District, there be but one newspaper published, civil officers, whose duty it is to advertise in accordance with law, are authorized to advertise in said paper regardless of the provisions of paragraph I of this order.

III.—All officers in this Military District, whether military or civil, and all boards of registration, or other persons in the employment of the United States under military jurisdiction, are directed to give prompt attention to the enforcement of this order. Opposition to Reconstruction, when conducted in a legitimate manner, is not to be considered an offence; but will be so considered when accompanied by violent and incendiary articles threatening the preservation of the peace, or by attempts to obstruct civil officers, as indicated in paragraph

I of this order. Should any civil officer violate the provisions of this order, the case will be promptly reported to these Headquarters.

IV.—This order is not to be construed as affecting advertisements being published at the date of the order, or prior to its receipt by the civil officer who is affected thereby.

By order of Major General Meade :

R. C. DRUM,
Assistant Adjutant General

HEADQUARTERS THIRD MILITARY DISTRICT,
(*Department of Georgia, Florida and Alabama.*)

ATLANTA, GEORGIA, February 22, 1868.

General Orders, }
No. 27. }

I. The Constitutional Convention of the State of Georgia, now in session in the city of Atlanta, adopted on the 19th day of February, 1868, the following preamble and resolutions :

Whereas, The Convention has determined that there shall be no imprisonment for debt in the State; and whereas, creditors are oppressing debtors by the use of what is known as "Bail Process" and writ of *ca. sa.*, Therefore,

Resolved, That in the opinion of this Convention, said proceedings are contrary to the wish of the people of this State.

Resolved, That the General Commanding this District, is hereby requested to protect, by order, the people of this State from the evil above set forth, and that such order remain in force, until such time as the people have expressed their will in regard to the Constitution.

II. Therefore, by virtue of the plenary powers vested by the Reconstruction Acts of Congress in the Commanding General of the Third Military District, and for the purpose of giving effect to the wishes of the people of Georgia, as expressed by their delegates in Convention,

It is ordered: That imprisonment for debt is prohibited in the State of Georgia, and hereafter no bail process in civil cases or writ of *ca. sa.* shall be issued out of any of the courts of this State.

III. Every person now in prison in this State under any such process or writ, will be immediately discharged from prison.

IV. This order to remain in force until the people of Georgia shall express their will in the manner provided by the Acts of Congress in regard to the constitution to be submitted to them by the said Constitutional Convention, or until further orders from these Headquarters.

BY ORDER OF MAJOR GENERAL MEADE :

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS, THIRD MILITARY DISTRICT,
(Department of Georgia, Florida & Alabama,)

ATLANTA, GEORGIA, February 25, 1868.

*General Orders }
 No. 29. }*

I. *Whereas*, the Constitutional Convention of the State of Florida on the 21st day of February, 1868, adopted the following Ordinance:

Be it ordained, That this convention does hereby levy and assess a tax of one sixth of one per cent on all the taxable property of the State, for the purpose of defraying the expenses of this convention, and the compensation of officers and members thereof, and it shall be the duty of the Tax Collectors of the several counties of this State to collect the tax so assessed on or before the first day of January, A. D., 1869, and to pay the same to the Treasurer of the State immediately upon the collection thereof, and that the collectors shall collect the same in accordance with the laws of the State of Florida for the collection of State taxes.

Sec. 2. Be it further ordained, That the Comptroller shall issue to the Tax Collector all necessary orders for the collection and payment of the taxes aforesaid, which order shall be binding upon said Tax Collectors.

Sec. 3. Be it further ordained, That the Tax Collector shall receive the same per cent as they are now allowed by law for collecting the State tax.

Sec. 4. Be it further ordained, That the Governor of this State is hereby empowered and authorized to issue Bonds bearing eight per cent interest per annum, payable on the 1st day of March, A. D., 1869, in such sums as he may deem expedient, not exceeding in amount thirty thousand dollars, which shall be redeemed out of the proceeds of said special tax when collected, and the Financial Agent for the purpose of defraying the immediate expenses of this convention is hereby empowered to dispose of the said Bonds and to pay from the proceeds thereof such accounts as may be audited by the Finance Committee, and deposit the balance, if any, with the Treasurer of the State.

Sec. 5. Be it further ordained, That the Governor of the State of Florida is hereby requested, authorized and directed to issue certificates of indebtedness to the full amount of ten thousand dollars, which certificates of indebtedness shall (be) receivable for the tax levied under this Ordinance and *all State dues*. Said certificates shall bear the impress of the seal of the State Treasurer, and shall be in such amounts as the Governor may deem expedient.

II. Therefore, by virtue of the plenary powers vested by the Acts of Congress in the Commanding General of the Third Military District—

It is ordered, That all of said Ordinance, except what is contained in these words of the fifth Section thereof, "and all

State dues," is approved and directed to be carried into execution, as in said Ordinance provided.

III. The certificates of indebtedness provided to be issued, as above, shall be paid out only on account of the expenses of said Convention and the compensation of the officers and members thereof, and all of such certificates that may not be received in payment of said special tax, shall be redeemed out of the proceeds of said special tax when the same shall have been collected.

By order of Major General Meade:

(Signed) R. C. DRUM,

Assistant Adjutant General

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida & Alabama.)

Atlanta, Georgia, February 28, 1868.

General Orders,

No. 31.

I. The commanding General having received information through official sources that, in some instances, the courts and officers charged with providing for the support of paupers, and with the care of persons entitled to the benefits of public charities in this District, refuse such support and benefits to persons of color, it is therefore

Ordered, That all the civil courts and officers in the several States constituting this military district, whose duty it is made by law to provide for the relief of paupers, shall extend relief to all persons entitled to claim, and claiming the same as paupers, without any discrimination as to race or color; and that in all the public institutions of said several States, supported by legislative appropriation or taxation, for the benefit of the Deaf and Dumb, the Blind, or the Insane, indigent colored persons shall be received on the same conditions and enjoy all the benefits which white persons are entitled to receive and enjoy in such institutions.

By order of Major General Meade:

(Signed) R. C. DRUM,

Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida and Alabama.)

ATLANTA GEORGIA, March 18, 1868.

General Orders

No. 44.

Whereas, The laws of Alabama provide that the Sheriff of a county shall be entitled to receive fifty cents per day, for victualling a white prisoner in jail, and forty cents for victu-

alling a colored prisoner in jail, and as like discriminations may exist in the other States in this District: *it is hereby ordered:*

I. That from this date, in the several States composing this Military District, the Sheriff, Jailer or other person entitled by law to receive fees for victualling or dieting prisoners in jail, shall receive the same fees or compensation for victualling or dieting a colored prisoner in jail, as is allowed by or under the authority of law, for victualling or dieting a white prisoner in the same jail, and to be paid for in like manner.

II. That in all the jails, penitentiaries and other prisons in this District, colored prisoners shall be entitled to receive food, the same in quality and quantity, as may be furnished to the white prisoners, and that no discrimination as to treatment shall be made in any respect, among the prisoners on account of color or race. This order shall not be construed as requiring that white and colored prisoners shall be placed in the same cells, but only that the same provisions shall be made for the comfort and health of the colored prisoners, as may be made for the comfort and health of the white prisoners,

By order of Major General Meade:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,
(Department of Georgia, Florida and Alabama.)

Atlanta, Georgia, March 21, 1868.

General Orders, }
No. 47. }

The attention of the Commanding General having been called to the frequent breaches of the peace on river boats; and of the failure of the civil authorities to notice the same, on the ground that said offences were generally committed outside the limits of the county in which the complaint was laid; *it is therefore ordered,*

That any person who shall commit a felony or misdemeanor on board a steamboat or other watercraft plying the navigable waters within the jurisdiction of any of the States in this District, may be arrested and brought to trial for such offence, in any county in said States where the offender may be found, before any tribunal having jurisdiction of such felony or misdemeanor.

By order of Major General Meade:

(Signed) R. C. DRUM,
Assistant Adjutant General.

**HEADQUARTERS THIRD MILITARY DISTRICT,
(Department of Georgia, Florida and Alabama.)**

ATLANTA, GEORGIA, April 4, 1868

**GENERAL ORDERS }
No. 51. }**

I. The recent assassination at Columbus, Georgia, of the Hon. G. W. Ashburn, late a member of the Constitutional convention of said State, and other acts of violence and atrocity committed about the same time in various parts of this District, and the simultaneous publication of incendiary articles, and the receipt by many persons of threatening letters, indicating a concert of action, by violence and intimidation, to alarm and overawe a large part of the population and by this means affect the results of pending elections in this District, all of which acts apparently emanate from a secret organization, for no good purpose, which seems to be rapidly spreading through these States, make it necessary for the Commanding General to warn all persons against the commission of such acts, the publication of such articles, the sending of such letters or connecting themselves with such evil organizations, and to assure all the good people of this District that he will use all the powers he possesses to protect them in the peaceable enjoyment of their homes and property, and in the exercise of their personal rights and political privileges.

II. He therefore directs all military and civil officers in this District, to take the most prompt measures to arrest and bring to trial all persons who may hereafter print, publish or in any manner give circulation and publicity to such incendiary papers or threatening letters, and furthermore to arrest all persons who may be known to have participated in any such acts of violence as above referred to, resulting in breaches of the peace and injury to persons or property.

III. The Commanding General furthermore forbids the conductors of all newspapers, job printing offices or other presses from printing or publishing any articles or papers tending to produce intimidation, riot or bloodshed; and any newspaper containing any such publications, or press publishing the same will be stopped, and its proprietors, editors and other parties connected therewith, on being convicted before a military commission will be subject to fine and imprisonment or such other penalties as may be deemed suitable to the offence committed.

IV. All public writers and speakers are enjoined to refrain from inflammatory appeals to the passions and prejudices of the people, and from publishing or saying anything calculated to produce breaches of the peace, or to intimidate any persons from the exercise of their political privileges.

V. Military Commanders of Posts, Sheriff's of Counties, Mayors and other municipal officers, are hereby required to

organize patrols, and other means for the detection of such persons as avail themselves of the secrecy of the night for executing their criminal purposes. Military Commanders of Posts are required to see that this order is duly and faithfully executed by the civil authorities within their jurisdiction, and to promptly report any failure or unwillingness on the part of said authorities, who will be held subject to the penalties attached to disobedience of the orders emanating from these Headquarters. Military Commanders are authorized and directed, when in their judgment the same may be necessary to organize, from the reliable and law-abiding citizens, posses to aid in the preservation of law and order in their respective districts; the expenses attending the pay and maintenance of these posses to be charged to the several counties or municipalities as the case may be.

VI. The commanding General calls on all good citizens to aid in the preservation of the peace, and to assist in the arrest and punishment of violators of this order and the criminal laws of the State, and he admonishes them that unless acts of intimidation and violence are checked and punished, bloody retaliation may be provoked, the peace of society endangered or subverted, and much innocent blood be shed.

VII. The commanding officers of all military posts in this District, will immediately on receipt of this order, cause its contents to be generally made known, and deliver copies thereof to all civil officers, editors of newspapers and presses, and other parties to be specially affected thereby, within the limits of their commands.

By Order of Major General MEADE:

(Signed) S. F. BARSTOW,
Acting Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,
(Department of Georgia, Florida & Alabama.)

Atlanta, Georgia, April 7, 1868.

General Orders, }
 No. 53. }

The attention of the Major General Commanding has been called to the extraordinary course of First Lieutenant Charles T. Johnson, 15th Regiment Infantry, which he deems so important as to justify comment in this public manner.

The facts of the case are, that Lieutenant Johnson, differing in opinion with Judge B. T. Pope, of the Circuit Court of Calhoun county, Alabama, as to the proper construction of General Orders Nos. 53 and 55, of 1867—after indicating to Judge Pope his views, and the Judge failing to comply therewith, proceeded to close the court, arrested the Judge, and, ascertaining that the Clerk of the Court did not agree in his views, although no act was charged against him, arrested him also.

Lieutenant Johnson herein committed two grave errors. In the first place, had the Judge violated General Orders 53 and 55, there was no warrant or authority for his arrest by Lieutenant Johnson. The power of closing courts and arresting Judges, is vested alone in the Commanding General of the Third Military District, and has not been delegated, by any orders, to any subordinate officer. On the contrary, paragraph I, General Orders No. 4, series of 1867, whilst it requires subordinate officers to report all failures of the civil officers or tribunals to render equal justice to the people, expressly declares said civil officers and tribunals are not to be interfered with in the discharge of their duties. Lieutenant Johnson should have confined himself to calling on Judge Pope for explanation, and reporting the facts to these Headquarters. His assumption of authority to arrest, is deserving of the severest censure, and is not justified or palliated by his zeal or conscientious desire to do his duty, both of which the commanding General is willing to admit.

In the second place, Lieutenant Johnson erred in judgment, his construction of General Orders 53 and 55 not being correct, and, so far as the Commanding General can judge from the correspondence submitted, the construction of Judge Pope was such as has been given at these Headquarters. The object of General Orders Nos. 53 and 55, was not to declare, as seems to be Lieutenant Johnson's opinion, that all juries must be in part composed of colored men, and that no jury was legal unless colored men were impanelled. The object and intent of these orders was simply to remove the distinction which the laws of the States in this District made on the ground of color, and to add to the qualifications for jurors required by the statute, the additional one that all jurors should be registered voters. It does not appear from the papers submitted that Judge Pope declined obedience to these orders as thus construed, or that his course was in conflict therewith. The Commanding General trusts this public disapproval of the conduct of Lieutenant Johnson will have the effect to render all subordinate officers cautious, and to refrain from hasty and unauthorized exercise of a power which is only vested by law in the highest military officer in the District.

By order of Major General Meade :

(Signed) S. F. BARSTOW,
Acting Assistant Adjutant General.

HEADQUARTERS, THIRD MILITARY DISTRICT,

(Department of Georgia, Florida & Alabama.)

Atlanta, Georgia, April 10, 1868.

*General Orders }
 No. 57. }*

I. The numerous resignations of Sheriffs of counties in the State of Georgia that have recently been tendered at these Headquarters, coming on the eve of an important election,

and when there is not sufficient time to make new appointments, makes it proper and necessary for the Commanding General to give notice, that such resignations will not be accepted, and that Sheriffs who have been so long holding their offices at the sufferance of the Commanding General, will not be permitted to resign until after said election is over; and they are hereby required to continue in the faithful performance of their official duties until relieved from the same by orders from these Headquarters. Any violation of this order will be punished in the manner prescribed in General Orders No. 42, for the punishment of civil officers for disobedience of orders.

II. Inasmuch as a numerous class of the electors of this State are, from necessity at present, dependent upon another class for employment by which they may earn daily bread for themselves and their families, and as numerous complaints have been made at these Headquarters, that such laborers will be intimidated from voting at the approaching election by fear of the loss of employment; employers are hereby forbidden any attempts to control the action or will of their laborers as to voting, by threats of discharge from employment or by other oppressive means; and any person who shall by such means prevent a laborer from voting as he pleases, or shall discharge him from employment on account of his having exercised his privileges as a voter, will, on conviction of such offence before a military commission, be punished by fine or imprisonment, or both.

III. It is made the duty, as it is certainly the desire of the Commanding General, to secure to all the duly registered voters in the State of Georgia an opportunity to vote at the approaching election "freely, and without restraint, fear, or the influence of fraud," and he calls upon all good citizens to co-operate with him in his efforts to have the election conducted fairly as required by law.

By order of Major General Meade:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Alabama and Florida.)

Atlanta, Georgia, April 11, 1868.

General Orders, }
No. 58. }

I. The uncertainty which seems to exist in regard to holding municipal elections on the 20th instant, and the frequent enquiries addressed to these Headquarters, renders it necessary for the Commanding General to announce that said elections are not authorized by any orders from these Headquar-

ters. Managers of elections are hereby prohibited from receiving any votes, for any offices except such offices as are provided for in the Constitution to be submitted for ratification—the voting for which officers is authorized by General Orders Nos. 40 and 52.

II. Complaints having been made to these Headquarters by planters and others, that improper means are being used to enmpel laborers to leave their work to attend political meetings, and threats being made that, in case of refusal, penalties will be attached to said refusal : the Major General commanding announces that all such attempts to control the movements of laborers and interfere with the rights of employers, is strictly forbidden, and will be considered, and on conviction will be punished, the same as any attempts to dissuade and prevent voters from going to the Polls, as referred to in paragraph II, General Orders No. 57.

III. The Major General commanding also makes known that, whilst he acknowledges and will require to be respected the right of laborers to peaceably assemble at night to discuss political questions, yet he discountenances and forbids the assembling of armed bodies and requires that all such assemblages shal notify either the military or civil authorities of these proposed meetings, and said military and civil authorities are enjoined to see that the right of electors to peaceably assemble for legitimate purposes is not disturbed.

IV. The wearing or carrying of arms, either concealed or otherwise by persons not connected with the military service of the government or such civil officers whose duty under the laws and orders it is to preserve the public peace, at, or in the vicinity of the polling places, on the days set apart for holding the election in the State of Georgia, is positively forbidden. Civil and military officers will see that this order, as well as all others relating to the preservation of the peace and quiet of the counties in which they are acting, is strictly observed.

V. The commanding officers sub-Districts of Georgia and Florida, will take prompt measures to give publicity to this order through the Superintendents of Registration and the officers of the Freedmen's Bureau, and will enjoin on the latter to instruct and advise the freedmen in their rights and duties.

By order of Major General Meade:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,
(*Department of Georgia, Florida, and Alabama.*)
ATLANTA, GEORGIA. April 24, 1868.

GENERAL ORDERS }
No. 69. }

Application having been made to the commanding General for permission to allow persons convicted of minor offences,

by civil courts, to work out the fines imposed on them on the public highway,

It is hereby ordered, That Sub-District commanders, may on the application of the proper civil authorities, allow the employment on the public highway, at a fair compensation, of all such persons. Great care will be taken that this authority is not abused by overworking the prisoners or retaining them longer in confinement than is necessary.

The use of the ball and chain is permitted in cases where it is impracticable to furnish the proper guard, or when there is danger of escape; but this order is not intended to revive or authorize the use of the chain gang, previously prohibited.

By Order of Major General MEADE:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS, THIRD MILITARY DISTRICT,
(*Department of Georgia, Florida & Alabama,*)

Atlanta, Georgia, May 20, 1868.

General Orders }
No. 80. }

So much of the sentences of the prisoners, (*William Pettigrew, Frank H. Munday, Hugh L. White, Thomas W. Roberts, James Steele, John Cullen, and Samuel Strayhorn*, citizens.) sentenced by General Orders No. 72, to confinement at hard labor at the Dry Tortugas, as remains unexpired, on the receipt of this order at Fort Jefferson, is hereby remitted, and the prisoners will be discharged.

In thus early releasing these prisoners, the Major General Commanding trusts the clemency extended towards them will not be misunderstood. These misguided and thoughtless young men were convicted, after a fair trial, of acts of violence and outrage against a citizen with the object of driving him out of the State. The frequent complaints of similar conduct, and the failure of the civil authorities to repress the evil, rendered it necessary to exercise the power conferred on him by law, and bring these prisoners before a military tribunal. Their conviction and punishment having, however, vindicated the principle involved, the Commanding General, in view of the suffering imposed on the relatives and friends of the prisoners, of the promises made of future good conduct, and in the belief that a proper example, earlier made, might have deterred the prisoners from committing the offence, has directed the discharge of the prisoners.

The Commanding General takes this occasion to state that similar clemency need not be expected in future, and he warns the people of his District that he is determined to suppress all lawlessness and violence, and all attempts of indi-

viduals to take the law into their own hands, or to decide who shall or shall not live in the country. To protect every person in his rights of person and property, is made by the law the paramount duty of the Commanding General, and it is well the people of the District and the authorities having in charge the preservation of the peace, and the execution of the laws, should know that he is determined to exercise all the power under his command in the discharge of this duty, and that hereafter, no considerations such as are here allowed, will influence him to relieve the guilty from the just punishment awarded them.

By Order of Major General MEADE:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS, THIRD MILITARY DISTRICT,

(Department of Georgia, Florida & Alabama,)

ATLANTA, GEORGIA, May 22, 1868.

GENERAL ORDERS

No. 81.

Application having been made to the Commanding General for a change in an act of the legislature of the State of Alabama, approved February 10, 1866, in so far as the benefits of said act are confined to soldiers disabled and wounded in the so-called confederate service; and believing that there is no good reason why these benefits should not be extended to all persons disabled from obtaining a livelihood by manual labor, *it is ordered,*

That the aforesaid act is hereby modified so as to substitute for the words "any disabled and wounded soldier in the late confederate army," the words "all crippled persons disabled from obtaining a livelihood by manual labor," and in lieu of the words "soldiers" and "soldier," wherever they occur in said act or the preamble thereto, to substitute the words "persons" and "person."

The act thus amended will read as follows, and govern in all courts granting peddling permits or license:

An Act authorizing the court of county commissioners of this State, (Alabama) to license and permit all crippled persons disabled from obtaining a livelihood by manual labor to peddle free of tax in their respective counties:

SECTION 1. *Be it enacted, &c.,* That the several courts of county commissioners of this State have power to grant a license to all crippled persons disabled from obtaining a livelihood by manual labor, that said court of the county of the residence of said person, may find worthy to peddle with the limits of said county, which said license shall exempt said person from all tax, both state and county, which may be imposed by law upon peddlers in this state.

By order of Major General MEADE:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,
(Department of Georgia Florida and Alabama.)

ATLANTA, GEORGIA, July 2, 1868.

General Orders,

No. 95.

Whereas, The first section of the 7th Article of the Constitution of the State of Georgia, provides as follows :

I. Each head of a family, or guardian, or trustee of a family of minor children, shall be entitled to a homestead of a realty to the value of two thousand dollars in specie, and personal property to the value of one thousand dollars in specie, both to be valued at the time they are set apart. And no Court, or ministerial officer in this State shall ever have jurisdiction or authority, to enforce any judgment, decree, or execution against said property so set apart (including such improvement as may be made thereon from time to time) except for taxes, money borrowed and expended in the improvement of the homestead, or for the purchase money of the same, and for labor done thereon, or material furnished therefor, or removal of encumbrances thereon. And it shall be the duty of the General Assembly, as early as practicable, to provide by law for the setting apart and valuation of said property, and to enact laws for the full and complete protection and security of the same to the sole use and benefit of said families as aforesaid.

And whereas the Legislature of said State is to assemble on the 4th instant, it is ordered :

1. That no court or ministerial officer in said State shall have jurisdiction or authority to enforce any judgment, decree or execution against any real estate in said State, except for taxes, money borrowed and expended in the improvement of the homestead or for the purchase money of the same and for labor done thereon, or material furnished therefor, or removal of incumbrance thereon, until the Legislature of said State shall have had time to provide by law for the setting apart and valuation of such property, or until further orders from these Headquarters.

By Order of Major General MEADE:

(Signed) R. C. DRUM,
Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT,
(Department of Georgia, Florida and Alabama.)

Atlanta, Georgia, July 14, 1868.

General Orders,

No. 101.

WHEREAS, official information has been received at these Headquarters, from the Governor-elect of the State of Ala-

bama, that the Legislature of said State, elected under the provisions of General Order No. 101, series of 1867, from these Headquarters, has assembled and complied with the requisitions of the Act of Congress, which became a law June 25, 1868, entitled an Act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida, to representation in Congress; and whereas said act states that on compliance with the conditions therein set forth by any State, the officers of said State, duly elected and qualified under the Constitution thereof, shall be inaugurated without delay; *It is therefore ordered,*

I. That all civil officers, holding office in the State, whether by military appointment or by failure to have successors qualified, shall promptly yield their offices and turn over to their properly elected and qualified successors, all public property, archives, books, records, &c., belonging to the same.

II. Whenever the military commander of the sub-District of Alabama, is officially notified of the inauguration of the State Government elect, military authority under the Acts of Congress, known as the Reconstruction Laws, will be at an end in said State; and it is made the duty of the sub-District commander to transfer everything appertaining to the government of said State to the proper civil officers, and to abstain in future, upon any pretext whatever, from any interference with or control over the civil authorities of the State, or the persons and property of the citizens thereof.

III. On the inauguration of the civil government, all prisoners held in custody or by bonds for offences against the civil law, will be turned over to the proper civil authority. In the meantime writs of *habeas corpus* from United States Courts will be respectfully obeyed and the decisions conformed to. Writs from State Courts will have respectful returns made, stating prisoners are held by authority of the United States, and can only be released by writs issued by United States Courts.

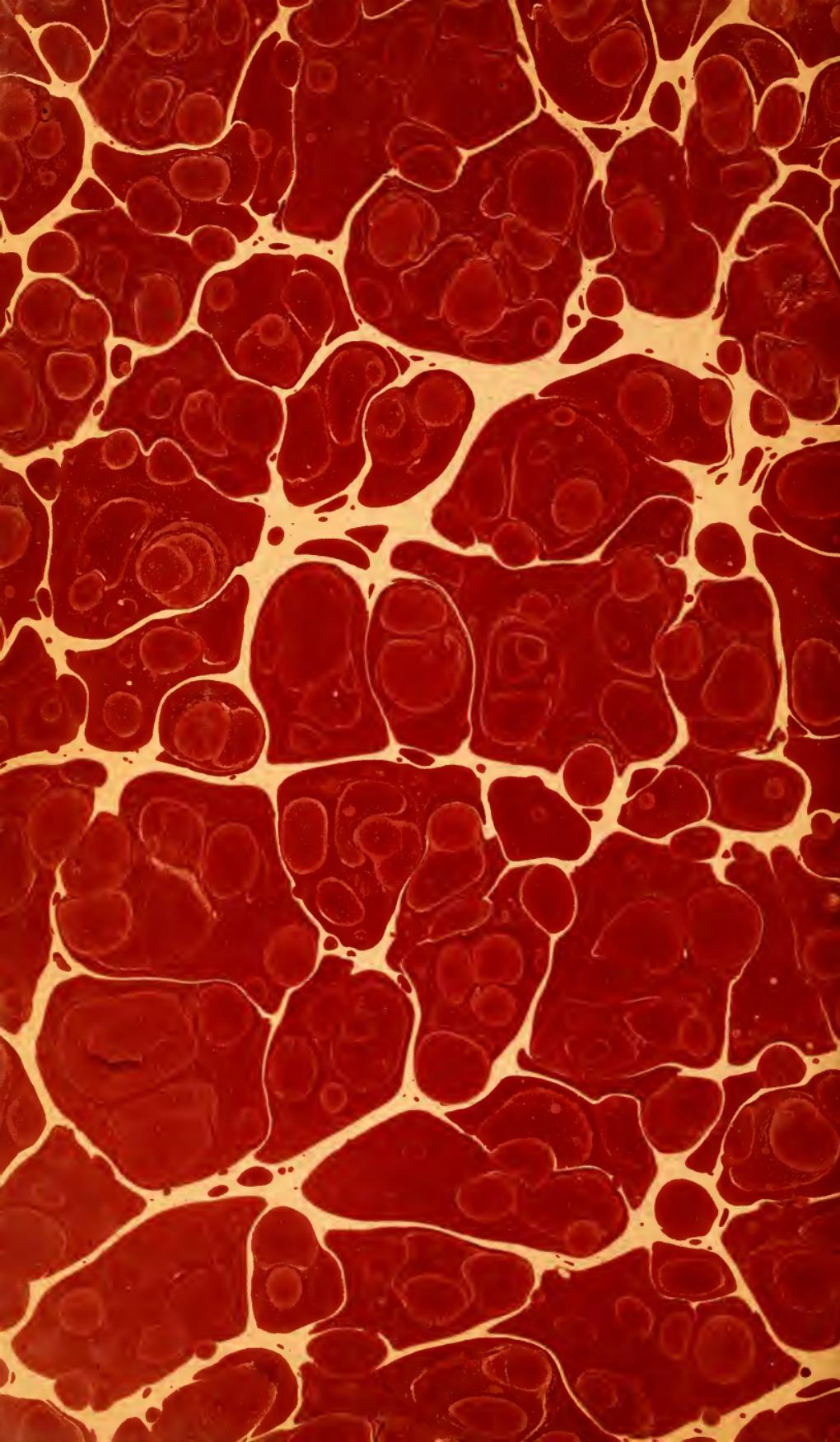
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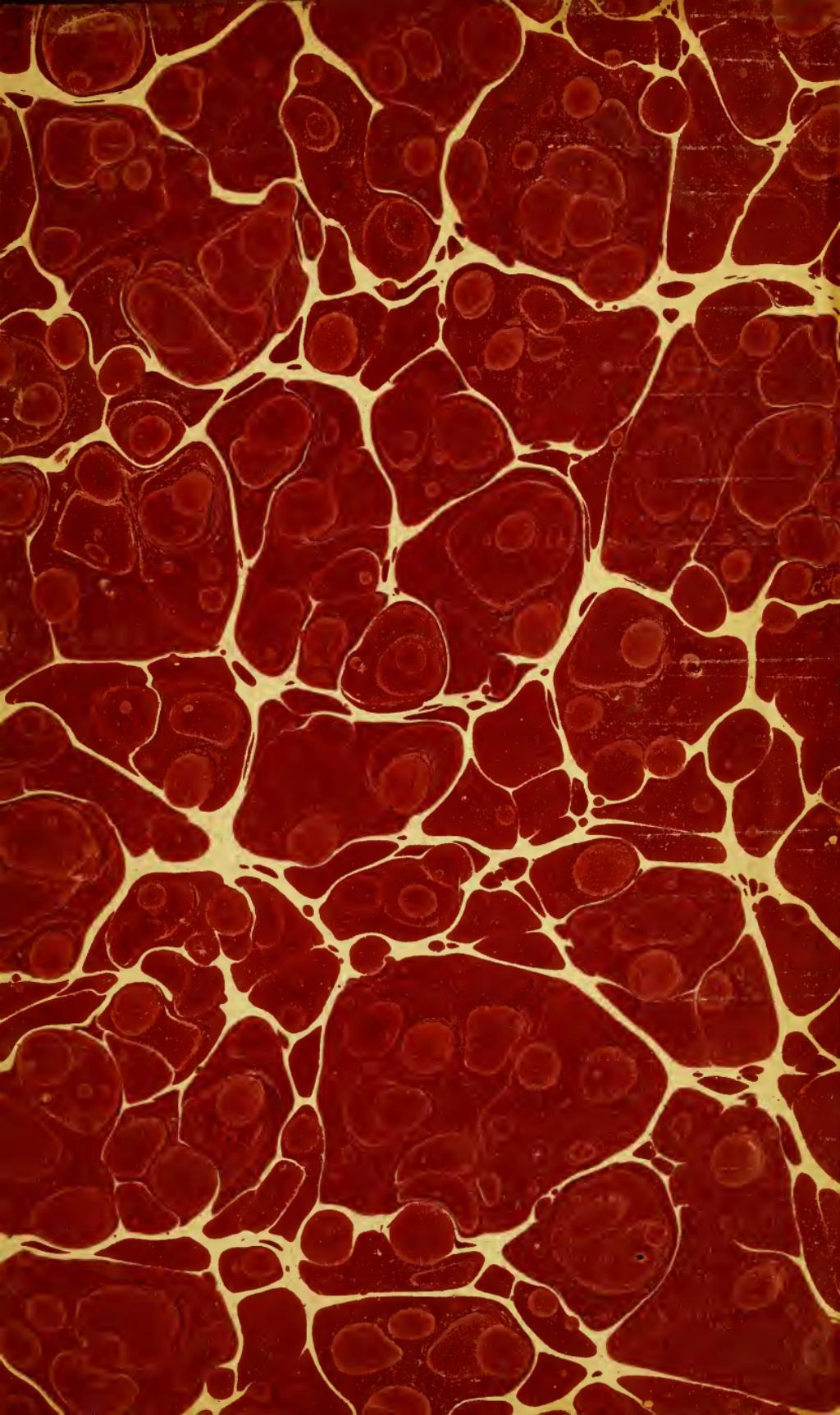
(Signed) R. C. DRUM,
Assistant Adjutant General.

[*Similar orders were given with reference to the States of Georgia and Florida.*]

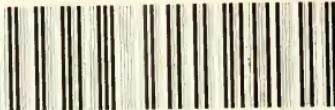
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